MAY 4, 2016

RULES COMMITTEE PRINT 114-51

TEXT OF H.R. 4909, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

[Showing the text of the bill as ordered reported by the Committee on Armed Services]

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2017”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(5) Division E—Military Justice.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

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Sec. 101. Authorization of appropriations.

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Sec. 112. Multiyear procurement authority for UH–60M and HH–60M Black Hawk helicopters.
Sec. 113. Assessment of certain capabilities of the Department of the Army.

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Sec. 124. Design and construction of replacement dock landing ship designated LX(R) or amphibious transport dock designated LPD–29.
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Sec. 133. Repeal of requirement to preserve certain retired F–117 aircraft.
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Sec. 143. Report on Department of Defense munitions strategy for the combatant commands.
Sec. 144. Comptroller General review of F–35 Lightning II aircraft sustainment support.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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Sec. 201. Authorization of appropriations.

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Sec. 212. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
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Sec. 214. Improved biosafety for handling of select agents and toxins.
Sec. 215. Modernization of security clearance information technology architecture.
Sec. 216. Prohibition on availability of funds for countering weapons of mass destruction system Constellation.
Sec. 217. Limitation on availability of funds for Defense Innovation Unit Experimental.
Sec. 218. Limitation on availability of funds for Tactical Combat Training System Increment II.
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Sec. 220. Designation of Department of Defense senior official with principal responsibility for directed energy weapons.

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Sec. 232. Pilot program on evaluation of commercial information technology.
Sec. 233. Pilot program for the enhancement of the laboratories and test and evaluation centers of the Department of Defense.
Sec. 234. Pilot program on modernization of electromagnetic spectrum warfare systems and electronic warfare systems.
Sec. 235. Independent review of F/A–18 physiological episodes and corrective actions.
Sec. 236. Study on helicopter crash prevention and mitigation technology.

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Subtitle C—Logistics and Sustainment

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1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF Appropriations.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64E APACHE HELICOPTERS.

(a) Authority for Multiyear Procurement.—

Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more
multiyear contracts, beginning with the fiscal year 2017
program year, for the procurement of AH–64E Apache
helicopters.

(b) **Condition for Out-Year Contract Payments.**—A contract entered into under subsection (a)
shall provide that any obligation of the United States to
make a payment under the contract for a fiscal year after
fiscal year 2017 is subject to the availability of appropri-
ations for that purpose for such later fiscal year.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH–
60M AND HH–60M BLACK HAWK HELICOPTERS.

(a) **Authority for Multiyear Procurement.**—
Subject to section 2306b of title 10, United States Code,
the Secretary of the Army may enter into one or more
multiyear contracts, beginning with the fiscal year 2017
program year, for the procurement of UH–60M and HH–
60M Black Hawk helicopters.

(b) **Condition for Out-Year Contract Payments.**—A contract entered into under subsection (a)
shall provide that any obligation of the United States to
make a payment under the contract for a fiscal year after
fiscal year 2017 is subject to the availability of appropri-
ations for that purpose for such later fiscal year.
SEC. 113. ASSESSMENT OF CERTAIN CAPABILITIES OF THE DEPARTMENT OF THE ARMY.

(a) Assessment.—The Secretary of Defense, in consultation with the Secretary of the Army and the Chief of Staff of the Army, shall conduct an assessment of the following capabilities with respect to the Department of the Army:

(1) The capacity of AH–64 Apache-equipped attack reconnaissance battalions to meet future needs.

(2) Air defense artillery capacity and responsiveness, including—

(A) the capacity of short-range air defense artillery to address existing and emerging threats, including threats posed by unmanned aerial systems, cruise missiles, and manned aircraft; and

(B) the potential for commercial off-the-shelf solutions.

(3) Chemical, biological, radiological, and nuclear capabilities and modernization needs.

(4) Field artillery capabilities, including—

(A) modernization needs;

(B) munitions inventory shortfalls; and

(C) changes in doctrine and war plans consistent with the Memorandum of the Secretary of Defense dated June 19, 2008, regarding the
Department of Defense policy on cluster munitions and unintended harm to civilians.

(5) Fuel distribution and water purification capacity and responsiveness.

(6) Watercraft and port-opening capabilities and responsiveness.

(7) Transportation capacity and responsiveness, particularly with respect to the transportation of fuel, water, and cargo.

(8) Military police capacity.

(9) Tactical mobility and tactical wheeled vehicle capacity, including heavy equipment prime movers.

(b) REPORT.—Not later than April 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the assessment conducted under subsection (a);

(2) recommendations for reducing or eliminating shortfalls in responsiveness and capacity with respect to each of the capabilities described in such subsection; and

(3) an estimate of the costs of implementing such recommendations.
(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Navy Programs

SEC. 121. PROCUREMENT AUTHORITY FOR AIRCRAFT CARRIER PROGRAMS.

(a) PROCUREMENT AUTHORITY IN SUPPORT OF CONSTRUCTION OF FORD CLASS AIRCRAFT CARRIERS.—

(1) AUTHORITY FOR ECONOMIC ORDER QUANTITY.—The Secretary of the Navy may procure materiel and equipment in support of the construction of the Ford class aircraft carriers designated CVN–80 and CVN–81 in economic order quantities when cost savings are achievable.

(2) LIABILITY.—Any contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.

(b) REFUELING AND COMPLEX OVERHAUL OF NIMITZ CLASS AIRCRAFT CARRIERS.—
(1) IN GENERAL.—The Secretary of the Navy may carry out the nuclear refueling and complex overhaul of each of the following Nimitz class aircraft carriers:

(A) U.S.S. George Washington (CVN–73).

(B) U.S.S. John C. Stennis (CVN–74).

(C) U.S.S. Harry S. Truman (CVN–75).

(D) U.S.S. Ronald Reagan (CVN–76).


(2) USE OF INCREMENTAL FUNDING.—With respect to any contract entered into under paragraph (1) for the nuclear refueling and complex overhaul of a Nimitz class aircraft carrier, the Secretary may use incremental funding for a period not to exceed six years after advance procurement funds for such nuclear refueling and complex overhaul effort are first obligated.

(3) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—Any contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for that later fiscal year.
SEC. 122. SENSE OF CONGRESS ON AIRCRAFT CARRIER PROCUREMENT SCHEDULES.

(a) FINDINGS.—Congress finds the following:

(1) In a report submitted to Congress on March 17, 2015, the Secretary of the Navy indicated the Department of the Navy has a requirement of 11 aircraft carriers.

(2) In the Congressional Budget Office report titled “An Analysis of the Navy’s Fiscal Year 2016 Shipbuilding Plan”, the Office stated as follows: “To prevent the carrier force from declining to 10 ships in the 2040s, 1 short of its inventory goal of 11, the Navy could accelerate purchases after 2018 to 1 every four years, rather than 1 every five years”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the plan of the Department of the Navy to schedule the procurement of one aircraft carrier every five years will reduce the overall aircraft carrier inventory to 10 aircraft carriers, a level insufficient to meet peacetime and war plan requirements; and

(2) to accommodate the required aircraft carrier force structure, the Department of the Navy should—
(A) begin to program construction for the Ford class aircraft carrier designated CVN–81 in fiscal year 2022; and

(B) program the required advance procurement activities to accommodate the construction of such carrier.

SEC. 123. DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA 8.

(a) In general.—The Secretary of the Navy may enter into a contract, beginning with the fiscal year 2017 program year, for the design and construction of the LHA Replacement ship designated LHA 8 using amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy.

(b) Use of incremental funding.—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract.

(c) Condition for out-year contract payments.—The contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such fiscal year.
SEC. 124. DESIGN AND CONSTRUCTION OF REPLACEMENT DOCK LANDING SHIP DESIGNATED LX(R) OR AMPHIBIOUS TRANSPORT DOCK DESIGNATED LPD–29.

(a) In General.—The Secretary of the Navy may enter into a contract, beginning with the fiscal year 2017 program year, for the design and construction of the replacement dock landing ship designated LX(R) or the amphibious transport dock designated LPD–29 using amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy.

(b) Use of Incremental Funding.—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract.

(c) Condition for Out-Year Contract Payments.—The contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 125. SHIP TO SHORE CONNECTOR PROGRAM.

(a) Contract Authority.—Notwithstanding section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a contract to procure up to 45 Ship to Shore Connector craft.
(b) LIABILITY.—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.

SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR LITTORAL COMBAT SHIP OR SUCCESSOR FRIGATE.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy shall be used to select only a single contractor for the construction of the Littoral Combat Ship or any successor frigate class ship program until the Secretary of the Navy certifies to the congressional defense committees that such selection of a single contractor will be conducted—

(1) using competitive procedures; and

(2) for the limited purpose of awarding a contract for—

(A) an engineering change proposal for a frigate class ship; or

(B) the construction of a frigate class ship.
Subtitle D—Air Force Programs

SEC. 131. ELIMINATION OF ANNUAL REPORT ON AIRCRAFT INVENTORY.

Section 231a of title 10, United States Code, is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

SEC. 132. REPEAL OF REQUIREMENT TO PRESERVE CERTAIN RETIRED C–5 AIRCRAFT.

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1659) is amended by striking subsection (d).

SEC. 133. REPEAL OF REQUIREMENT TO PRESERVE CERTAIN RETIRED F–117 AIRCRAFT.


SEC. 134. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A–10 AIRCRAFT.

(a) Prohibition on Availability of Funds for Retirement.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Air Force may be obligated or expended
to retire, prepare to retire, or place in storage or on
backup aircraft inventory status any A–10 aircraft.

(b) ADDITIONAL LIMITATION ON RETIREMENT.—In
addition to the prohibition in subsection (a), the Secretary
of the Air Force may not retire, prepare to retire, or place
in storage or on backup aircraft inventory status any A–
10 aircraft until a period of 90 days has elapsed following
the date on which the Secretary submits to the congres-
sional defense committees the report under subsection
(e)(2).

(c) PROHIBITION ON SIGNIFICANT REDUCTIONS IN
MANNING LEVELS.—None of the funds authorized to be
appropriated by this Act or otherwise made available for
fiscal year 2017 for the Air Force may be obligated or
expended to make significant reductions to manning levels
with respect to any A–10 aircraft squadrons or divisions.

(d) MINIMUM INVENTORY REQUIREMENT.—The Sec-
retary of the Air Force shall ensure the Air Force main-
tains a minimum of 171 A–10 aircraft designated as pri-
mary mission aircraft inventory until a period of 90 days
has elapsed following the date on which the Secretary sub-
mits to the congressional defense committees the report
under subsection (e)(2).

(e) REPORTS REQUIRED.—
(1) The Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes—

(A) the results and findings of the initial operational test and evaluation of the F–35 aircraft program; and

(B) a comparison test and evaluation that examines the capabilities of the F–35A and A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller airborne missions.

(2) Not later than 180 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

(A) the views of the Secretary with respect to the results of the initial operational test and evaluation of the F–35 aircraft program as summarized in the report under paragraph (1), including any issues or concerns of the Secretary with respect to such results;

(B) a plan for addressing any deficiencies and carrying out any corrective actions identified in such report; and
(C) short-term and long-term strategies for preserving the capability of the Air Force to conduct close air support, combat search and rescue, and forward air controller airborne missions.

(f) **SPECIAL RULE.**—

(1) Subject to paragraph (2), the Secretary of the Air Force may carry out the transition of the A–10 unit at Fort Wayne Air National Guard Base, Indiana, to an F–16 unit as described by the Secretary in the Force Structure Actions map submitted in support of the budget of the President for fiscal year 2017 (as submitted to Congress under section 1105(a) of title 31, United States Code).

(2) Subsections (a) through (e) shall apply with respect to any A–10 aircraft affected by the transition described in paragraph (1).

**SEC. 135. PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF JOINT SURVEILLANCE TARG-**

**GET ATTACK RADAR SYSTEM AIRCRAFT.**

(a) **PROHIBITION.**—Except as provided by subsection (b) and in addition to the prohibition under section 144 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 758) none of the funds authorized to be appropriated or otherwise made
available for fiscal year 2018 for the Air Force may be
obligated or expended to retire, or prepare to retire, any
Joint Surveillance Target Attack Radar System aircraft.

(b) EXCEPTION.—The prohibition in subsection (a)
shall not apply to individual Joint Surveillance Target At-
tack Radar System aircraft that the Secretary of the Air
Force determines, on a case-by-case basis, to be non-oper-
ational because of mishaps, other damage, or being unecono-
nomical to repair.

Subtitle E—Defense-wide, Joint,
and Multiservice Matters

SEC. 141. TERMINATION OF QUARTERLY REPORTING ON
USE OF COMBAT MISSION REQUIREMENTS
FUNDS.

Section 123(a)(1) of the Ike Skelton National De-
fense Authorization Act for Fiscal Year 2011 (Public Law
111–383; 124 Stat. 4158; 10 U.S.C. 167 note.) is amend-
ed by inserting “ending on or before September 30, 2018”
after “each fiscal quarter”.

SEC. 142. FIRE SUPPRESSANT AND FUEL CONTAINMENT
STANDARDS FOR CERTAIN VEHICLES.

(a) GUIDANCE REQUIRED.—

(1) The Secretary of the Army shall issue guid-
ance regarding fire suppressant and fuel contain-
ment standards for covered vehicles of the Army.
(2) The Secretary of the Navy shall issue guidance regarding fire suppressant and fuel containment standards for covered vehicles of the Marine Corps.

(b) ELEMENTS.—The guidance regarding fire suppressant and fuel containment standards issued pursuant to subsection (a) shall—

(1) meet the survivability requirements applicable to each class of covered vehicles;

(2) include standards for vehicle armor, vehicle fire suppression systems, and fuel containment technologies in covered vehicles; and

(3) balance cost, survivability, and mobility.

c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall each submit to the congressional defense committees a report that includes—

(1) the policy guidance established pursuant to subsection (a), set forth separately for each class of covered vehicle; and

(2) any other information the Secretaries determine to be appropriate.

d) COVERED VEHICLES.—In this section, the term “covered vehicles” means ground vehicles acquired on or
after October 1, 2018, under a major defense acquisition program (as such term is defined in section 2430 of title 10, United States Code), including light tactical vehicles, medium tactical vehicles, heavy tactical vehicles, and ground combat vehicles.

SEC. 143. REPORT ON DEPARTMENT OF DEFENSE MUNITIONS STRATEGY FOR THE COMBATANT COMMANDS.

(a) Report Required.—Not later than April 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the munitions strategy for the combatant commands, including an identification of munitions requirements, an assessment of munitions gaps and shortfalls, and necessary munitions investments. Such strategy shall cover the 10-year period beginning with 2016.

(b) Elements.—The report on munitions strategy required by subsection (a) shall include the following:

(1) An identification of current and projected munitions requirements, by class or type.

(2) An assessment of munitions gaps and shortfalls, including a census of current munitions capabilities and programs, not including ammunition.

(3) A description of current and planned munitions programs, including with respect to procure-
ment; research, development, test, and evaluation; and deployment activities.

(4) Schedules, estimated costs, and budget plans for current and planned munitions programs.

(5) Identification of opportunities and limitations within the associated industrial base.

(6) Identification and evaluation of technology needs and applicable emerging technologies.

(7) An assessment of how current and planned munitions programs, and promising technologies, may affect existing operational concepts and capabilities of the military departments or lead to new operational concepts and capabilities.

(8) An assessment of programs and capabilities by other countries to counter the munitions programs and capabilities of the Armed Forces, not including with respect to ammunition, and how such assessment affects the munitions strategy of each military department.

(9) An assessment of how munitions capability and capacity may be affected by changes consistent with the Memorandum of the Secretary of Defense dated June 19, 2008, regarding the Department of Defense policy on cluster munitions and unintended harm to civilians.
(10) Any other matters the Secretary determines appropriate.

(c) FORM.—The report under subsection (a) may be submitted in classified or unclassified form.

SEC. 144. COMPTROLLER GENERAL REVIEW OF F–35 LIGHTNING II AIRCRAFT SUSTAINMENT SUPPORT.

(a) Review.—Not later than September 30, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report on the sustainment support structure for the F–35 Lightning II aircraft program.

(b) Elements.—The review under subsection (a) shall include, with respect to the F–35 Lightning II aircraft program, the following:

(1) The status of the sustainment support strategy for the program, including goals for personnel training, required infrastructure, and fleet readiness.

(2) Approaches, including performance-based logistics, considered in developing the sustainment support strategy for the program.

(3) Other information regarding sustainment and logistics support for the program that the Comptroller General determines to be of critical importance to the long-term viability of the program.
TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LABORATORY QUALITY ENHANCEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, shall carry out a Program to be known as the “Laboratory Quality Enhancement Program” under which the Secretary shall establish the panels described in subsection (b) and direct such panels—

(1) to review and make recommendations to the Secretary with respect to—

(A) existing policies and practices affecting the science and technology reinvention labora-
(B) new initiatives proposed by the science and technology reinvention laboratories;
(2) to support implementation of current and future initiatives affecting the science and technology reinvention laboratories; and
(3) to conduct assessments or data analysis on such other issues as the Secretary determines to be appropriate.

(b) PANELS.—The panels described in this subsection are:

(1) A panel on personnel, workforce development, and talent management.
(2) A panel on facilities and infrastructure.
(3) A panel on research strategy, technology transfer, and industry partnerships.
(4) A panel on oversight, administrative, and regulatory processes.

e) COMPOSITION OF PANELS.—

(1) Each panel described in subsection (b) shall be composed of not less than 4 members.

(2) Each panel described in paragraphs (1) through (3) of subsection (b) shall be composed of
subject matter and technical management experts
from—

(A) laboratories and research centers of
the Army, Navy and Air Force;
(B) appropriate Defense Agencies;
(C) the Office of the Assistant Secretary of
Defense for Research and Engineering; and
(D) such other entities of the Department
of Defense as the Secretary determines to be
appropriate.

(3) The panel described in subsection (b)(4)
shall be composed of—

(A) the Director of the Army Research
Laboratory;
(B) the Director of the Air Force Research
Laboratory;
(C) the Director of the Naval Research
Laboratory; and
(D) such other members as the Secretary
determines to be appropriate.

(d) GOVERNANCE OF PANELS.—

(1) The chairperson of each panel shall be se-
lected by its members.

(2) The panel described in subsection (b)(4)
shall—
(A) oversee the activities of the panels described in paragraphs (1) through (3) of subsection (b);

(B) determine the subject matter to be considered by the panels; and

(C) provide the recommendations of the panels to the Secretary.

(e) PERSONNEL DEMONSTRATION PROJECT AUTHORITY.—Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721) (as amended by section 1114(a)(2)(C) of the National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–315)) is amended by adding at the end the following new paragraph:

“(4) In carrying out this subsection, the Secretary shall act through the Assistant Secretary of Defense for Research and Engineering.”.

(f) SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term “science and technology reinvention laboratory” means a science and technology reinvention laboratory designated under section 1105 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2358 note).
SEC. 212. MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.


(1) in subsection (a)(1), by striking “not more than”; and

(2) by amending subsection (d) to read as follows:

“(d) SPECIAL RULE.—For purposes of this section, a federally funded research and development center shall be considered a defense laboratory if the center is sponsored by the Department of Defense.”.

SEC. 213. NOTIFICATION REQUIREMENT FOR CERTAIN RAPID PROTOTYPING, EXPERIMENTATION, AND DEMONSTRATION ACTIVITIES.

(a) NOTICE REQUIRED.—The Secretary of the Navy shall not initiate a covered activity until a period of 10 business days has elapsed following the date on which the Secretary submits to the congressional defense committees the notice described in subsection (b) with respect to such activity.
(b) ELEMENTS OF NOTICE.—The notice described in this subsection is a written notice of the intention of the Secretary to initiate a covered activity. Each such notice shall include the following:

(1) A description of the activity.

(2) Estimated costs and funding sources for the activity, including a description of any cost-sharing or in-kind support arrangements with other participants.

(3) A description of any transition agreement, including the identity of any partner organization that may receive the results of the covered activity under such an agreement.

(4) Identification of major milestones and the anticipated date of completion of the activity.

(e) COVERED ACTIVITY.—In this section, the term “covered activity” means a rapid prototyping, experimentation, or demonstration activity carried out under program element 0603382N.

(d) SUNSET.—The requirements of this section shall terminate 5 years after the date of the enactment of this Act.
SEC. 214. IMPROVED BIOSAFETY FOR HANDLING OF SELECT AGENTS AND TOXINS.

(a) QUALITY CONTROL AND QUALITY ASSURANCE PROGRAM.—The Secretary of Defense, acting through the executive agent for the biological select agent and toxin biosafety program of the Department of Defense, shall carry out a program to implement certain quality control and quality assurance measures at each covered facility.

(b) QUALITY CONTROL AND QUALITY ASSURANCE MEASURES.—Subject to subsection (c), the quality control and quality assurance measures implemented at each covered facility under subsection (a) shall include the following:

(1) Designation of an external manager to oversee quality assurance and quality control.

(2) Environmental sampling and inspection.

(3) Production procedures that prohibit operations where live biological select agents and toxins are used in the same laboratory where viability testing is conducted.

(4) Production procedures that prohibit work on multiple organisms or multiple strains of one organism within the same biosafety cabinet.

(5) A video surveillance program that uses video monitoring as a tool to improve laboratory
practices in accordance with regulatory requirements.

(6) Formal, recurring data reviews of production in an effort to identify data trends and non-conformance issues before such issues affect end products.

(7) Validated protocols for production processes to ensure that process deviations are adequately vetted prior to implementation.

(8) Maintenance and calibration procedures and schedules for all tools, equipment, and irradiators.

(c) WAIVER.—In carrying out the program under subsection (a), the Secretary may waive any of the quality control and quality assurance measures required under subsection (b) in the interest of national defense.

(d) STUDY AND REPORT REQUIRED.—

(1) The Secretary of Defense shall carry out a study to evaluate—

(A) the feasibility of consolidating covered facilities within a unified command to minimize risk;

(B) opportunities to partner with industry for the production of biological select agents and toxins and related services in lieu of main-
taining such capabilities within the Department of the Army; and

(C) whether operations under the biological select agent and toxin production program should be transferred to another government or commercial laboratory that may be better suited to execute production for non-Department of Defense customers.

(2) Not later than February 1, 2017, the Secretary shall submit to the congressional defense committees a report on the results of the study under paragraph (1).

(e) Comptroller General Review.—Not later than September 1, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report that includes the following:

(1) A review of—

(A) the actions taken by the Department of Defense to address the findings and recommendations of the report of the Department of the Army titled “Individual and Institutional Accountability for the Shipment of Viable Bacillus Anthracis from Dugway Proving Grounds”, dated December 15, 2015, including any actions taken to address the culture of compla-
ency in the biological select agent and toxin production program identified in such report; and

(B) the progress of the Secretary in carrying out the program under subsection (a).

(2) An analysis of the study and report under subsection (d).

(f) DEFINITIONS.—In this section:

(1) The term “covered facility” means any facility of the Department of Defense that produces biological select agents and toxins.

(2) The term “biological select agent and toxin” means any agent or toxin identified under—

(A) section 331.3 of title 7, Code of Federal Regulations;

(B) section 121.3 or section 121.4 of title 9, Code of Federal Regulations; or

(C) section 73.3 or section 73.4 of title 42, Code of Federal Regulations.

SEC. 215. MODERNIZATION OF SECURITY CLEARANCE INFORMATION TECHNOLOGY ARCHITECTURE.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Director of National Intelligence and the Director of the Office of Personnel Management, shall
develop and implement an information technology system (in this section referred to as the “System”) to—

(1) modernize and sustain the security clearance information architecture of the National Background Investigations Bureau and the Department of Defense;

(2) support decision-making processes for the evaluation and granting of personnel security clearances;

(3) improve cyber security capabilities with respect to sensitive security clearance data and processes;

(4) reduce the complexity and cost of the security clearance process;

(5) provide information to managers on the financial and administrative costs of the security clearance process;

(6) strengthen the ties between counterintelligence and personnel security communities; and

(7) improve system standardization in the security clearance process.

(b) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence and the Director of the Office of Personnel
Management, shall issue guidance establishing the respective roles, responsibilities, and obligations of the Secretary and Directors with respect to the development and implementation of the System.

(c) **Elements of System.**—In developing the System under subsection (a), the Secretary shall—

1. conduct a review of security clearance business processes and, to the extent practicable, modify such processes to maximize compatibility with the security clearance information technology architecture to minimize the need for customization of the System;

2. conduct business process mapping (as such term is defined in section 2222(i) of title 10, United States Code) of the business processes described in paragraph (1);

3. use spiral development and incremental acquisition practices to rapidly deploy the System, including through the use of prototyping and open architecture principles;

4. establish a process to identify and limit interfaces with legacy systems and to limit customization of any commercial information technology tools used;
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(5) establish automated processes for measuring the performance goals of the System; and
(6) incorporate capabilities for the continuous monitoring of network security and the mitigation of insider threats to the System.

(d) COMPLETION DATE.—The Secretary shall complete the development and implementation of the System by not later than September 30, 2019.

(e) BRIEFING.—Beginning on December 1, 2016, and on a quarterly basis thereafter until the completion date of the System under subsection (d), the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives (and other appropriate congressional committees on request) on the progress of the Secretary in developing and implementing the System.

(f) REVIEW OF APPLICABLE LAWS.—The Secretary shall review laws, regulations, and executive orders relating to the maintenance of personnel security clearance information by the Federal Government. Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other appropriate congressional committees on request) a briefing that includes—
(1) the results of the review; and
(2) recommendations, if any, for consolidating
and clarifying laws, regulations, and executive orders
relating to the maintenance of personnel security
clearance information by the Federal Government.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES
DEFINED.—In this section, the term “appropriate con-
gressional committees” means—

(1) the Select Committee on Intelligence, the
Committee on Homeland Security and Governmental
Affairs, and the Committee on Appropriations of the
Senate; and

(2) the Permanent Select Committee on Intel-
ligence, the Committee on Oversight and Govern-
ment Reform, and the Committee on Appropriations
of the House of Representatives.

SEC. 216. PROHIBITION ON AVAILABILITY OF FUNDS FOR
COUNTERING WEAPONS OF MASS DESTRUCTION SYSTEM CONSTELLATION.

(a) PROHIBITIONS.—None of the funds authorized to
be appropriated by this Act or otherwise made available
for fiscal year 2017 for the countering weapons of mass
destruction situational awareness information system com-
monly known as “Constellation” may be obligated or ex-
pended for research, development, or prototyping for such
system.

(b) **Review.**—The Chief Information Officer of the
Department of Defense, in consultation with the Director
of the Defense Information Systems Agency, shall review
the requirements and program plan for research, develop-
ment, and prototyping for the Constellation system.

(c) **Report Required.**—Not later than February 1,
2017, the Chief Information Officer of the Department of
Defense, in consultation with the Director of the Defense
Information Systems Agency, shall submit to the congres-
sional defense committees a report on the review under
subsection (b). Such report shall include the following,
with respect to the Constellation system:

1. A review of the major software components
   of the system and an explanation of the require-
   ments of the Department of Defense with respect to
each such component.

2. Identification of elements and applications
   of the system that cannot be implemented using the
   existing technical infrastructure and tools of the De-
   partment of Defense or the infrastructure and tools
   in development.

3. A description of major developmental mile-
stones and decision points for additional prototypes
needed to establish the full capabilities of the system, including a timeline and detailed metrics and criteria for each such milestone and decision point.

(4) An overview of a security plan to achieve an accredited cross-domain solution system, including security milestones and proposed security architecture to mitigate both insider and outsider threats.

(5) Identification of the planned categories of end-users of the system, linked to organizations, mission requirements, and concept of operations, the expected total number of end-users, and the associated permissions granted to such users.

(6) A cost estimate for the full life-cycle cost to complete the Constellation system.

SEC. 217. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE INNOVATION UNIT EXPERIMENTAL.

(a) LIMITATION.—Of the funds specified in subsection (e), not more than 80 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the report under subsection (b).

(b) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report on the Defense Innovation Unit Experimental. Such report shall include the following:
(1) The charter and mission statement of the Unit.

(2) A description of—

(A) the governance structure of the Unit;

(B) the metrics used to measure the effectiveness of the Unit;

(C) the process for coordinating and deconflicting the activities of the Unit with similar activities of the military departments, Defense Agencies, and other departments and agencies of the Federal Government, including activities carried out by In-Q-Tel, the Defense Advanced Research Projects Agency, and Department of Defense laboratories;

(D) the direct staffing requirements of the Unit, including a description of the desired skills and expertise of such staff;

(E) the number of civilian and military personnel provided by the military departments and Defense Agencies to support the Unit;

(F) any planned expansion to new sites, the metrics used to identify such sites, and an explanation of how such expansion will provide access to innovations of nontraditional defense contractors (as such term is defined in section
2302 of title 10, United States Code) that are
not otherwise accessible;

(G) how compliance with Department of
Defense requirements could affect the ability of
such nontraditional defense contractors to mar-
et products and obtain funding; and

(H) how to treat intellectual property that
has been developed with little or no government
funding.

(3) Any other information the Secretary deter-
mines to be appropriate.

(c) FUNDS SPECIFIED.—The funds specified in this
subsection are as follows:

(1) Funds authorized to be appropriated by this
Act or otherwise made available for fiscal year 2017
for operation and maintenance, Defense-wide, for
the Defense Innovation Unit Experimental.

(2) Funds authorized to be appropriated by this
Act or otherwise made available for fiscal year 2017
for research, development, test, and evaluation, De-
fense-wide, for the Defense Innovation Unit Experi-
mental.
SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR TACTICAL COMBAT TRAINING SYSTEM INCREMENT II.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Tactical Combat Training System Increment II of the Navy, not more than 80 percent may be obligated or expended until the Secretary of the Navy and the Secretary of the Air Force submit to the congressional defense committees the report required by section 235 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 780).

SEC. 219. RESTRUCTURING OF THE DISTRIBUTED COMMON GROUND SYSTEM OF THE ARMY.

(a) IN GENERAL.—Not later than April 1, 2017, the Secretary of the Army shall restructure versions of the distributed common ground system of the Army after Increment 1—

(1) by discontinuing development of any component of the system for which there is commercial software that is capable of fulfilling at least 80 percent of the system requirements applicable to such component; and

(2) by conducting a review of the acquisition strategy of the program to ensure that procurement
of commercial software is the preferred method of meeting program requirements.

(b) LIMITATION.—The Secretary of the Army shall not award any contract for the development of any capability for the distributed common ground system of the Army if such a capability is available for purchase on the commercial market, except for minor capabilities that are incidental to and necessary for the proper functioning of a major component of the system.

SEC. 220. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR DIRECTED ENERGY WEAPONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official already serving within the Department of Defense as the official with principal responsibility for the development and demonstration of directed energy weapons for the Department; and

(2) set forth the responsibilities of that senior official with respect to such programs.
Subtitle C—Reports and Other Matters

SEC. 231. STRATEGY FOR ASSURED ACCESS TO TRUSTED MICROELECTRONICS.

(a) Strategy.—The Secretary of Defense shall develop a strategy to ensure that the Department of Defense has assured access to trusted microelectronics by not later than September 30, 2020.

(b) Elements.—The strategy under subsection (a) shall include the following:

(1) Definitions of the various levels of trust required by classes of Department of Defense systems.

(2) Means of classifying systems of the Department of Defense based on the level of trust such systems are required to maintain with respect to microelectronics.

(3) Means by which trust in microelectronics can be assured.

(4) Means to increase the supplier base for assured microelectronics to ensure multiple supply pathways.

(5) An assessment of the microelectronics needs of the Department of Defense in future years, including the need for trusted, radiation-hardened microelectronics.
(6) An assessment of the microelectronic needs of the Department of Defense that may not be fulfilled by entities outside the Department of Defense.

(7) The resources required to assure access to trusted microelectronics, including infrastructure and investments in science and technology.

(c) Submission.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the strategy developed under subsection (a). The strategy shall be submitted in unclassified form, but may include a classified annex.

(d) Directive Required.—Not later than September 30, 2020, the Secretary of Defense shall issue a directive for the Department of Defense describing how Department of Defense entities may access assured and trusted microelectronics supply chains for Department of Defense systems.

(e) Certification.—Not later than September 30, 2020, the Secretary of the Defense shall certify to the congressional defense committees that—

(1) the strategy developed under subsection (a) has been implemented; and

(2) the Department of Defense has an assured means for accessing a sufficient supply of trusted
microelectronics, as required by the strategy developed under subsection (a).

(f) DEFINITION.—In this section, the terms “trust” and “trusted” refer, with respect to microelectronics, to the ability of the Department of Defense to have confidence that the microelectronics function as intended and are free of exploitable vulnerabilities, either intentionally or unintentionally designed or inserted as part of the system at any time during its life cycle.

SEC. 232. PILOT PROGRAM ON EVALUATION OF COMMERCIAL INFORMATION TECHNOLOGY.

(a) PILOT PROGRAM.—The Director of the Defense Information Systems Agency shall carry out a pilot program to evaluate commercially available information technology tools to better understand the potential impact of such tools on networks and computing environments of the Department of Defense.

(b) ACTIVITIES.—Activities under the pilot program may include the following:

(1) Prototyping, experimentation, operational demonstration, military user assessments, and other means of obtaining quantitative and qualitative feedback on the commercial information technology products.
(2) Engagement with the commercial information technology industry to—

   (A) forecast military requirements and technology needs; and

   (B) support the development of market strategies and program requirements before finalizing acquisition decisions and strategies.

(3) Assessment of novel or innovative commercial technology for use by the Department of Defense.

(4) Assessment of novel or innovative contracting mechanisms to speed delivery of capabilities to the Armed Forces.

(5) Solicitation of operational user input to shape future information technology requirements of the Department of Defense.

(c) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for research, development, test, and evaluation, Defense-wide, for each of fiscal years 2017 through 2022, not more than $15,000,000 may be expended on the pilot program in any such fiscal year.
SEC. 233. PILOT PROGRAM FOR THE ENHANCEMENT OF
THE LABORATORIES AND TEST AND EVALUA-
TION CENTERS OF THE DEPARTMENT OF DE-
FENSE.

(a) IN GENERAL.—The Assistant Secretaries shall
jointly carry out a pilot program to demonstrate methods
for the more effective development of research, develop-
ment, test, and evaluation functions.

(b) SELECTION AND PRIORITY.—The Assistant Sec-
etaries shall jointly select not more than one laboratory
and one test and evaluation center from each of the mili-
tary services to participate in the pilot program under sub-
section (a).

(c) PARTICIPATION IN PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2),
the director of a laboratory or test and evaluation
center selected under subsection (b) shall propose
and implement alternative and innovative methods of
rapid project delivery, support, experimentation,
prototyping, and partnership with universities and
private sector entities to—

(A) generate greater value and efficiencies
in research and development activities per dol-
lar of cost; and

(B) enable more rapid deployment of
warfighter capabilities.
(2) IMPLEMENTATION.—The director shall implement each method proposed under paragraph (1) unless such method is disapproved by the Assistant Secretary concerned.

(d) WAIVER AUTHORITY FOR DEMONSTRATION AND IMPLEMENTATION.—Until the termination of the pilot program under subsection (f), the director of a laboratory or test and evaluation center selected under subsection (b) may waive any restriction or departmental instruction that would affect the implementation of a method proposed under subsection (c), unless such implementation would be prohibited by Federal law.

(e) MINIMUM PARTICIPATION REQUIREMENT.—Each laboratory or test and evaluation center selected under subsection (b) shall participate in the pilot program under subsection (a) for a period of not fewer than six years beginning not later than 180 days after the date of the enactment of this Act.

(f) TERMINATION.—The pilot program under subsection (a) shall terminate on the date determined appropriate by the Secretary of Defense that is on or after the end of the six-year period described in subsection (e).

(g) ASSISTANT SECRETARY DEFINED.—In this section, the term “Assistant Secretary” means—
(1) the Assistant Secretary of the Air Force for Acquisition, with respect to a working capital fund institution of the Air Force;

(2) the Assistant Secretary of the Army for Acquisition, Technology, and Logistics, with respect to a working capital fund institution of the Army; and

(3) the Assistant Secretary of the Navy for Research, Development, and Acquisition, with respect to a working capital fund institution of the Navy.

SEC. 234. PILOT PROGRAM ON MODERNIZATION OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE SYSTEMS.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program on the modernization of electromagnetic spectrum warfare systems and electronic warfare systems.

(2) SELECTION.—If the Secretary carries out the pilot program under paragraph (1), the Electronic Warfare Executive Committee shall select from the list described in section 237(b)(4) a total of five electromagnetic spectrum warfare systems and electronic warfare systems across at least two military departments that are currently in
sustainment for modernization under the pilot program.

(b) DEFINITIONS.—In this section:

(1) The term “electromagnetic spectrum warfare” means electronic warfare that encompasses military communications and sensing operations that occur in the electromagnetic operational domain.

(2) The term “electronic warfare” means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy.

SEC. 235. INDEPENDENT REVIEW OF F/A–18 PHYSIOLOGICAL EPISODES AND CORRECTIVE ACTIONS.

(a) INDEPENDENT REVIEW REQUIRED.—The Secretary of the Navy shall conduct an independent review of the plans, programs, and research of the Department of the Navy with respect to—

(1) physiological events affecting aircrew of the F/A–18 Hornet and the F/A–18 Super Hornet aircraft during the covered period; and

(2) the efforts of the Navy and Marine Corps to prevent and mitigate the affects of such physiological events.
(b) CONDUCT OF REVIEW.—In conducting the review under subsection (a), the Secretary of the Navy shall—

(1) designate an appropriate senior official in the Office of the Secretary of the Navy to oversee the review; and

(2) consult experts from outside the Department of Defense in appropriate technical and medical fields.

(c) REVIEW ELEMENTS.—The review under subsection (a) shall include an evaluation of—

(1) any data of the Department of the Navy relating to the increased frequency of physiological events affecting aircrew of the F/A–18 Hornet and the F/A–18 Super Hornet aircraft during the covered period;

(2) aircraft mishaps potentially related to such physiological events;

(3) the cost and effectiveness of all material, operational, maintenance, and other measures carried out by the Department of the Navy to mitigate such physiological events during the covered period;

(4) material, operational, maintenance, or other measures that may reduce the rate of such physiological events in the future; and

(5) the performance of—
(A) the onboard oxygen generation system in the F/A–18 Super Hornet;

(B) the overall environmental control system in the F/A–18 Hornet and F/A–18 Super Hornet; and

(C) other relevant subsystems of the F/A–18 Hornet and F/A–18 Super Hornet, as determined by the Secretary.

d) Report Required.—Not later than December 1, 2017, the Secretary of Navy shall submit to the congressional defense committees a report that includes the results of the review under subsection (a).

e) Covered Period.—In this section, the term “covered period” means the period beginning on January 1, 2009, and ending on the date of the submission of the report under subsection (d).

SEC. 236. STUDY ON HELICOPTER CRASH PREVENTION AND MITIGATION TECHNOLOGY.

(a) Study Required.—The Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on technologies with the potential to prevent and mitigate helicopter crashes.

(b) Elements.—The study required under subsection (a) shall include the following:
(1) Identification of technologies with the potential—

(A) to prevent helicopter crashes (such as collision avoidance technologies and battle space and terrain situational awareness technologies); and

(B) to improve survivability among individuals involved in such crashes (such as adaptive flight control technologies and improved energy absorbing technologies).

(2) A cost-benefit analysis of each technology identified under paragraph (1) that takes into account the cost of developing and deploying the technology compared to the potential of the technology to prevent casualties or injuries.

(3) A list that ranks the technologies identified under paragraph (1) based on—

(A) the results of the cost-benefit analysis under paragraph (2); and

(B) the readiness level of each technology.

(4) An analysis of helicopter crashes that—

(A) compares the casualty rates of cockpit occupants to the casualty rates of occupants of cargo compartments and troop seats; and
(B) identifies the root causes of the casualties described in subparagraph (A).

(c) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other congressional defense committees on request) a briefing that includes—

(1) the results of the study required under subsection (a); and

(2) the list described in subsection (b)(3).

SEC. 237. REPORT ON ELECTRONIC WARFARE CAPABILITIES.

(a) REPORT REQUIRED.—Not later than April 1, 2017, the Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Electronic Warfare Executive Committee, shall submit to the congressional defense committees a report on the electronic warfare capabilities of the Department of Defense.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A strategy for advancing and accelerating research, development, test, and evaluation, and fielding, of electronic warfare capabilities to meet current and projected requirements, including rec-
ommendations for streamlining acquisition processes with respect to such capabilities.

(2) A methodology for synchronizing and overseeing electronic warfare strategies, operational concepts, and programs across the Department of Defense, including electronic warfare programs that support or enable cyber operations.

(3) The training and operational support required for fielding and sustaining current and planned investments in electronic warfare capabilities.

(4) A comprehensive list of investments of the Department of Defense in electronic warfare capabilities, including the capabilities to be developed, procured, or sustained in—

(A) the budget of the President for fiscal year 2018 submitted to Congress under section 1105(a) of title 31, United States Code; and

(B) the future-years defense program submitted to Congress under section 221 of title 10, United States Code, for that fiscal year.

(5) Progress on increasing innovative electromagnetic spectrum warfighting methods and operational concepts that provide advantages within the electromagnetic spectrum operational domain.
(6) Specific attributes needed in future electronic warfare capabilities, such as networking, adaptability, agility, multifunctionality, and miniaturization, and progress toward incorporating such attributes in new electronic warfare systems.

(7) Capability gaps with respect to asymmetric and near-peer adversaries identified pursuant to a capability gap assessment.

(8) A joint strategy on achieving near real-time system adaptation to rapidly advancing modern digital electronics.

(9) Any other information the Secretary determines to be appropriate.

(c) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and
maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. RULE OF CONSTRUCTION REGARDING ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended by adding at the end the following: “This provision shall not be construed as a constraint on any conventional or unconventional fuel procurement necessary for military operations, including for test and certification purposes.”

Subtitle C—Logistics and Sustainment

SEC. 321. PILOT PROGRAM FOR INCLUSION OF CERTAIN INDUSTRIAL PLANTS IN THE ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

During the five-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall treat a Government-owned, contractor-operated industrial plant of the Department of the Army as an eligible facility under section 4551(2) of title 10, United States Code.
SEC. 322. PRIVATE SECTOR PORT LOADING ASSESSMENT.

(a) Assessments Required.—During the period beginning on the date of the enactment of this Act and ending on the date of the final briefing under subsection (d), the Secretary of the Navy shall conduct quarterly assessments of Naval ship maintenance and loading activities carried out by private sector entities at each covered port.

(b) Elements of Assessments.—Each assessment under subsection (a) shall include, with respect to each covered port, the following:

(1) Resources per day, including daily ship availabilities and the workforce available to carry out maintenance and loading activities, for the fiscal year preceding the quarter covered by the assessment through the end of such quarter.

(2) Projected resources per day, including daily ship availabilities and the workforce available to carry out maintenance and loading activities, through the end of the second fiscal year beginning after the quarter covered by the assessment.

(3) A description of the methods by which the Secretary communicates projected workloads to private sector entities engaged in ship maintenance activities and ship loading activities.
(4) A description of any processes that have been implemented to allow for timely feedback from private sector entities engaged in ship maintenance activities and ship loading activities.

(c) Sense of Congress.—It is the Sense of Congress that the Secretary should implement measures to minimize workload fluctuations at covered ports to stabilize the private sector workforce and reduce the cost of maintenance availabilities.

(d) Briefings Required.—Not later than October 1, 2016, and on a quarterly basis thereafter until September 30, 2021, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other congressional defense committees on request)—

(1) a briefing on the results of the assessments conducted under subsection (a); and

(2) a chart depicting the information described in paragraphs (1) and (2) of subsection (b) with respect to each covered port.

(e) Covered Ports.—In this section, the term “covered ports” means port facilities used by the Department of Defense in each of the following locations:

(1) Mayport, Florida.

(2) Norfolk, Virginia.
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(4) Pearl Harbor, Hawaii.

(3) Puget Sound, Washington.

(5) San Diego, California.

SEC. 323. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE CONTRACT MANAGEMENT AGENCY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the operation of the Defense Contract Management Agency, not more than 90 percent may be obligated or expended in fiscal year 2017 until the Director of the agency provides to the congressional defense committees the briefing under subsection (b).

(b) BRIEFING.—The Director of the Defense Contract Management Agency shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other congressional defense committees on request) a briefing that includes the following:

   (1) A plan describing how the agency will foster the adoption, implementation, and verification of item-unique identification standards for tangible personal property across the Department of Defense and the defense industrial base (as prescribed under Department of Defense Instruction 8320.04).

   (2) A description of the policies, procedures, staff training, and equipment needed to—
(A) ensure contract compliance with item-unique identification standards for all items that require unique item-level traceability at any time in their life cycle;

(B) support counterfeit material risk reduction; and

(C) provide for the systematic assessment and accuracy of item-unique identification marks.

Subtitle D—Reports

SEC. 331. MODIFICATION OF ANNUAL DEPARTMENT OF DEFENSE ENERGY MANAGEMENT REPORTS.

(a) Modification of Annual Report Related to Installations Energy Management.—Subsection (a) of section 2925 of title 10, United States Code, is amended to read as follows:

“(a) Annual Report Related to Installations Energy Management.—Not later than 120 days after the end of each fiscal year ending before January 31, 2021, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title. Each report shall contain the following:

...
“(1) The energy performance goals for the Department of Defense with respect to transportation systems, support systems, utilities, and infrastructure and facilities for the fiscal year covered by the report and the next 5, 10, and 20 fiscal years, including any changes to such energy performance goals since the submission of the previous report under this section.

“(2) A master plan for the achievement of the energy performance goals of the Department of Defense, as such goals are set forth in any laws, regulations, executive orders, or Department of Defense policies, including—

“(A) a separate plan for each military department and Defense Agency;

“(B) a standard for the measurement of energy consumed by transportation systems, support systems, utilities, and facilities and infrastructure, applied consistently across the military departments;

“(C) a methodology for measuring reductions in energy consumption that accounts for changes—

“(i) in the sizes of fleets; and
“(ii) in the number and overall square
footage of facility plants;

“(D) standards to track annual progress in
meeting energy performance goals;

“(E) a description of any requirements and
proposed investments relating to energy per-
formance goals included in the materials sub-
mitted in support of the budget of the Presi-
dent (as submitted to Congress under section
1105(a) of title 31) for the fiscal year covered
by the report; and

“(F) a description of any energy savings
resulting from the implementation of the mas-
ter plan or any other energy performance meas-
ures.

“(3) A table listing all energy projects financed
through third party financing mechanisms (including
energy savings performance contracts, enhanced use
leases, utility energy service contracts, utility privat-
ization agreements, and other contractual mecha-
nisms), including—

“(A) the duration of each such mechanism,
an estimate of the financial obligation incurred
through the duration of each such mechanism,
whether the project incorporates energy security
into its design, and the estimated payback period for each such mechanism; and

“(B) any renewable energy certificates relating to the project, including the purchasing authority for the certificates, the price of the certificates, and whether the certificates were bundled or unbundled.

“(4) A description of the types and quantities of energy consumed by the Department of Defense and by members of the armed forces and civilian personnel residing or working on military installations during the fiscal year covered by the report, including a breakdown of energy consumption by—

“(A) user group;

“(B) the type of energy consumed, including the quantities of any renewable energy consumed that was produced or procured by the Department of Defense; and

“(C) the cost of the energy consumed.

“(5) A description of the types and amount of financial incentives received under section 2913 of this title during the preceding fiscal year and the appropriation account or accounts to which the incentives were credited.
“(6) A description and estimate of the progress made by the military departments in meeting the certification requirements for sustainable green-building standards in construction and major renovations as required by section 433 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1612).

“(7) Details of utility outages at military installations, including the total number and locations of outages, the financial impact of the outages, and measures taken to mitigate outages in the future at the affected locations and across the Department of Defense.

“(8) A description of any other issues and strategies the Secretary determines relevant to a comprehensive and renewable energy policy.”

(b) MODIFICATION OF ANNUAL REPORT RELATED TO OPERATIONAL ENERGY.—Subsection (b) of section 2925 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “138c of this title” and inserting “2926(b) of this title”; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

“(H) The comments and recommendations of the Assistant Secretary under section 2926(e) of this
title, including the certification required under para-
graph (3) of such section.”.

(c) EFFECTIVE DATE.—The amendments made by
this section shall take effect on the date of the enactment
of this Act and shall apply with respect to reports required
to be submitted under section 2925 of title 10, United
States Code, after such date.

SEC. 332. REPORT ON EQUIPMENT PURCHASED FROM FOR-
EIGN ENTITIES AND AUTHORITY TO ADJUST
ARMY ARSENAL LABOR RATES.

(a) REPORT REQUIRED.—Not later than 30 days
after the date on which the budget of the President for
fiscal year 2018 is submitted to Congress pursuant to sec-
tion 1105 of title 31, United States Code, the Secretary
of Defense shall submit to the congressional defense com-
mittees a report on the equipment, weapons, weapons sys-
tems, components, subcomponents, and end-items pur-
chased from foreign entities that identifies those items
which could be manufactured in the military arsenals of
the United States or the military depots of the United
States to meet the goals of this section or section 2464
of title 10, United States Code, as well as a plan for mov-
ing that workload into such arsenals or depots.

(b) ELEMENTS.—The report under subsection (a)
shall include each of the following:
(1) A list of items identified in the report required under section 333 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 792) and a list of any items purchased from foreign manufacturers after the date of the submission of such report that are—

(A) described in section 8302(a)(1) of title 41, United States Code, and purchased from a foreign manufacturer by reason of an exception under section 8302(a)(2)(A) or section 8302(a)(2)(B) of such title;

(B) described in section 2533b(a)(1) of title 10, United States Code, and purchased from a foreign manufacturer by reason of an exception under section 2533b(b); and

(C) described in section 2534(a) of such title and purchased from a foreign manufacturer by reason of a waiver exercised under paragraph (1), (2), (4), or (5) of section 2534(d) of such title.

(2) An assessment of the skills required to manufacture the items described in paragraph (1) and a comparison of those skills with skills required to meet the critical capabilities identified in the report of the Army to Congress on Critical Manufac-
turing Capabilities and Capacities, dated August 2013, and the core logistics capabilities identified by each military service pursuant to section 2464 of title 10, United States Code, as of the date of the enactment of this Act.

(3) An identification of the tooling, equipment, and facilities upgrades necessary for a military arsenal or depot to manufacture items described in paragraph (1).

(4) An identification of items described in paragraph (1) most appropriate for transfer to military arsenals or depots to meet the goals of this section or the requirements of section 2464 of title 10, United States Code.

(5) An explanation of the rationale for continuing to sole-source the manufacturing of items described in paragraph (1) from a foreign source rather than a military arsenal, depot, or other organic facility.

(6) Such other information the Secretary determines to be appropriate.

(c) AUTHORITY TO ADJUST LABOR RATES TO REFLECT WORK PRODUCTION.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense shall establish a two-
year pilot program for the purpose of permitting the
Army arsenals to adjust periodically, throughout the
year, their labor rates charged to customers based
upon changes in workload and other factors.

(2) BRIEFING.—Not later than May 1, 2019,
the Secretary of Defense shall provide to the Com-
mittees on Armed Services of the Senate and the
House of Representatives a briefing that assesses—

(A) each Army arsenal’s changes in labor
rates throughout the previous year;

(B) the ability of each arsenal to meet the
costs of their working-capital funds; and

(C) the effect on arsenal workloads of
labor rate changes.

Subtitle E—Other Matters

SEC. 341. EXPLOSIVE ORDNANCE DISPOSAL CORPS.

Section 3063 of title 10, United States Code, is
amended—

(1) in paragraph (12), by striking “and” at the
end;

(2) by redesignating paragraph (13) as para-
graph (14); and

(3) by inserting after paragraph (12) the fol-
lowing new paragraph (13):

“(13) Explosive Ordnance Disposal Corps; and”.

SEC. 342. EXPLOSIVE ORDNANCE DISPOSAL PROGRAM.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2283. Explosive ordnance disposal program

“(a) IN GENERAL.—The Secretary of Defense shall carry out a program to be known as the ‘Explosive Ordnance Disposal Program’ (in this section referred to as the ‘Program’) under which the Secretary shall ensure close and continuous coordination between the military departments on matters relating to explosive ordnance disposal.

“(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—In carrying out the Program under subsection (a)—

“(1) the Secretary of Defense shall—

“(A) assign responsibility for the coordination and integration of explosive ordnance disposal to a single office or entity in the Office of the Secretary of Defense;

“(B) designate the Secretary of the Navy, or a designee of the Secretary’s choice, as the executive agent for the Department of Defense
to coordinate and integrate research, development, test, and evaluation activities and procurement activities of the military departments with respect to explosive ordnance disposal; and

“(C) exercise oversight over explosive ordnance disposal through the Defense Acquisition Board process; and

“(2) the Secretary of each military department shall assess the needs of the military department concerned with respect to explosive ordnance disposal and may carry out research, development, test, and evaluation activities and procurement activities to address such needs.

“(c) Annual Budget Justification Documents.— (1) The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for each fiscal year after fiscal year 2017, a consolidated budget justification display, in classified and unclassified form, that covers all activities of Department of Defense relating to the Program.

“(2) The budget display under paragraph (1) for a fiscal year shall include a single program element for each of the following:

“(A) Research, development, test, and evaluation.
“(B) Procurement.

“(C) Military construction.

“(d) MANAGEMENT REVIEW.—(1) The Secretary of Defense, acting through the Office of the Secretary of Defense assigned responsibility for the coordination and integration of explosive ordnance disposal under subsection (b)(1)(A), shall conduct a review of the management structure of the Program, including—

“(A) research, development, test, and evaluation;

“(B) procurement;

“(C) doctrine development;

“(D) policy;

“(E) training;

“(F) development of requirements;

“(G) readiness; and

“(H) risk assessment.

“(2) Not later than May 1, 2018, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing that includes—

“(A) the results of the review described in paragraph (1); and

“(B) a description of any measures undertaken to improve joint coordination and oversight of the
Program and ensure a coherent and effective approach to its management.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘explosive ordnance’ means any munition containing explosives, nuclear fission or fusion materials, or biological or chemical agents, including—

“(A) bombs and warheads;
“(B) guided and ballistic missiles;
“(C) artillery, mortar, rocket, and small arms munitions;
“(D) mines, torpedoes, and depth charges;
“(E) demolition charges;
“(F) pyrotechnics;
“(G) clusters and dispensers;
“(H) cartridge and propellant actuated devices;
“(I) electro-explosive devices; and
“(J) clandestine and improvised explosive devices.

“(2) The term ‘disposal’ means, with respect to explosive ordnance, the detection, identification, field evaluation, defeat, disablement, or rendering safe,
recovery and exploitation, and final disposition of
the ordinance.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by adding
at the end the following new item:

“2283. Explosive ordnance disposal program.”.

SEC. 343. EXPANSION OF DEFINITION OF STRUCTURES
INTERFERING WITH AIR COMMERCE AND NA-
TIONAL DEFENSE.

(a) NOTICE.—Section 44718(a) of title 49, United
States Code, is amended—

(1) in paragraph (1), by striking “and” at the
end;

(2) in paragraph (2), by striking the period at
the end and inserting “; or”; and

(3) by adding at the end the following:

“(3) the interests of national security, as deter-
mined by the Secretary of Defense.”.

(b) STUDIES.—Section 44718(b) of title 49, United
States Code, is amended to read as follows:

“(b) STUDIES.—

“(1) IN GENERAL.—Under regulations pre-
scribed by the Secretary, if the Secretary decides
that constructing or altering a structure may result
in an obstruction of the navigable airspace, an inter-
ference with air navigation facilities and equipment
or the navigable airspace, or, after consultation with
the Secretary of Defense, an unacceptable risk to
the national security of the United States, the Sec-
etary shall conduct an aeronautical study to decide
the extent of such impacts on the safe and efficient
use of the airspace, facilities, or equipment. In con-
ducting the study, the Secretary shall—

“(A) consider factors relevant to the effi-
cient and effective use of the navigable airspace,
including—

“(i) the impact on arrival, departure,
and en route procedures for aircraft oper-
ating under visual flight rules;

“(ii) the impact on arrival, departure,
and en route procedures for aircraft oper-
ating under instrument flight rules;

“(iii) the impact on existing public-use
airports and aeronautical facilities;

“(iv) the impact on planned public-use
airports and aeronautical facilities;

“(v) the cumulative impact resulting
from the proposed construction or alter-
ation of a structure when combined with
the impact of other existing or proposed
structures; and
“(vi) other factors relevant to the efficient and effective use of navigable airspace; and

“(B) include the finding made by the Secretary of Defense under subsection (f).

“(2) REPORT.—On completing the study, the Secretary shall issue a report disclosing the extent of the—

“(A) adverse impact on the safe and efficient use of the navigable airspace that the Secretary finds will result from constructing or altering the structure; and

“(B) unacceptable risk to the national security of the United States, as determined by the Secretary of Defense under subsection (f).”.

(e) NATIONAL SECURITY FINDING; DEFINITION.—
Section 44718 of title 49, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY FINDING.—As part of an aeronautical study conducted under subsection (b), the Secretary of Defense shall—

“(1) make a finding on whether the construction, alteration, establishment, or expansion of a structure or sanitary landfill included in the study
would result in an unacceptable risk to the national
security of the United States; and

“(2) transmit the finding to the Secretary of
Transportation for inclusion in the report required
under subsection (b)(2).

“(g) UNACCEPTABLE RISK TO NATIONAL SECURITY
OF UNITED STATES DEFINED.—In this section, the term
‘unacceptable risk to the national security of the United
States’ has the meaning given the term in section 211.3
of title 32, Code of Federal Regulations, as in effect on
January 6, 2014.”.

(d) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 44718 of title
49, United States Code, is amended in the section
heading by inserting “or national security”
after “air commerce”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 447 of title 49,
United States Code, is amended by striking the item
relating to section 44718 and inserting the fol-
following:

“44718. Structures interfering with air commerce or national security.”.
SEC. 344. DEVELOPMENT OF PERSONAL PROTECTIVE EQUIPMENT FOR FEMALE MARINES AND SOLDIERS.

The Secretary of the Navy and the Commandant of the Marine Corps shall work in coordination with the Secretary of the Army to develop, not later than April 1, 2017, a joint acquisition strategy to provide more effective personal protective equipment and organizational clothing and equipment to meet the specific and unique requirements for female Marines and soldiers.

SEC. 345. STUDY ON SPACE-AVAILABLE TRAVEL SYSTEM OF THE DEPARTMENT OF DEFENSE.

(a) Study Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct an independent study on the space-available travel system of the Department of Defense.

(b) Report Required.—Not later than 180 days after entering into a contract with a federally funded research and development center under subsection (a), the Secretary shall submit to the congressional defense committees a report summarizing the results of the study conducted under such subsection.
(c) ELEMENTS.—The report under subsection (b) shall include, with respect to the space-available travel system, the following:

(1) A determination of—

(A) the capacity of the system as of the date of the enactment of this Act;

(B) the projected capacity of the system for the 10-year period following such date of enactment; and

(C) the projected number of reserve retirees, active duty retirees, and dependents of such retirees that will exist by the end of such 10-year period.

(2) Estimates of system capacity based the projections described in paragraph (1).

(3) A discussion of the efficiency of the system and data regarding the use of available space with respect to each category of passengers eligible for space-available travel under existing regulations.

(4) A description of the effect on system capacity if eligibility for space-available travel is extended to—

(A) drilling reserve component personnel and dependents of such personnel on international flights;
(B) dependents of reserve component retirees who are less than 60 years of age;

(C) retirees who are less than 60 years of age on international flights; and

(D) drilling reserve component personnel traveling to drilling locations.

(5) A discussion of logistical and management problems, including congestion at terminals, waiting times, lodging availability, and personal hardships experienced by travelers.

(6) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(7) An evaluation of the feasibility of expanding the categories of passengers eligible for space-available travel to include—

(A) in the case of overseas travel, retired members of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of title 10, United States Code, would be eligible for retired pay under chapter 1223 of such title; and
(B) unremarried widows and widowers of active or reserve component members of the Armed Forces.

(8) Such other factors relating to the efficiency and cost of the system as the Secretary determines to be appropriate.

(d) ADDITIONAL RESPONSIBILITIES.—In addition to carrying out subsections (a) through (c), the Secretary of Defense shall—

(1) analyze the methods used to prioritize among the categories of individuals eligible for space-available travel and make recommendations for—

(A) re-ordering the priority of such categories; and

(B) adding additional categories of eligible individuals; and

(2) collect data on travelers who request but do not obtain available travel spaces under the space-available travel system.

SEC. 346. SUPPLY OF SPECIALTY MOTORS FROM CERTAIN MANUFACTURERS.

To ensure that an adequate, competitive supply of custom designed motors is available to the Department of Defense, particularly to meet its replacement motor re-
quirements for older equipment, and to protect small busi-
nesses that supply such motors to the Department of De-
fense, the requirements of section 431.25 of title 10, Code
of Federal Regulations, shall not be enforced against manu-
facturers of specialty motors, whether characterized by
the Department as special purpose or definite purpose mo-
tors, provided that such manufacturers qualify as small
businesses and provided further that such manufacturers
do not also manufacture general purpose motors and pro-
vided further that such manufacturers were in the busi-
ness of manufacturing such motors on June 1, 2016.

SEC. 347. LIMITATION ON USE OF CERTAIN FUNDS UNTIL

ESTABLISHMENT AND IMPLEMENTATION OF

REQUIRED PROCESS BY WHICH MEMBERS OF

THE ARMED FORCES MAY CARRY APPROPRI-
PRIATE FIREARMS ON MILITARY INSTALLA-
TIONS.

Of the amounts authorized to be appropriated for Op-
eration and Maintenance, Defense-Wide, for the Office of
the Under Secretary of Defense for Policy, for fiscal year
2017, not more than 85 percent of such amounts may be
obligated or expended until the Secretary of Defense es-
tablishes and implements the process by which members
of the Armed Forces may carry an appropriate firearm
on a military installation, as required by section 526 of

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

**SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2017, as follows:

1. The Army, 480,000.
2. The Navy, 324,615.
3. The Marine Corps, 185,000.
4. The Air Force, 321,000.

**SEC. 402. REVISIONS IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

1. “(1) For the Army, 480,000.
2. “(2) For the Navy, 322,900.
3. “(3) For the Marine Corps, 185,000.
4. “(4) For the Air Force, 321,000.”.
Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2017, as follows:

(1) The Army National Guard of the United States, 350,000.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 58,000.
(4) The Marine Corps Reserve, 38,500.
(5) The Air National Guard of the United States, 105,700.
(6) The Air Force Reserve, 69,000.
(7) The Coast Guard Reserve, 7,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and
(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty.
(other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve for any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2017, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,155.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 9,955.

(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,764.

(6) The Air Force Reserve, 2,955.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2017 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 25,507.

(2) For the Army Reserve, 7,570.

(3) For the Air National Guard of the United States, 22,103.

(4) For the Air Force Reserve, 10,061.

SEC. 414. FISCAL YEAR 2017 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2017, may not exceed the following:
(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) Army Reserve.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2017, may not exceed 420.

(3) Air Force Reserve.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2017, may not exceed 90.

(b) Non-dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2017, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

SEC. 416. SENSE OF CONGRESS ON FULL-TIME SUPPORT FOR THE ARMY NATIONAL GUARD.

It is the sense of Congress that—

(1) an adequately supported, full-time support force consisting of active and reserve personnel and military technicians for the Army National Guard is essential to maintaining the readiness of the Army National Guard;

(2) the full-time support force for the Army National Guard is the primary mechanism through which the programs of the Army and the Department of Defense are delivered to all 350,000 soldiers of the Army National Guard;

(3) reductions in active and reserve personnel and military technicians since 2014, totaling 2401, have adversely impacted the readiness of the Army National Guard;

(4) the growth in the full-time support force for the Army National Guard since 2014 is due solely
to validated requirements originating before September 11, 2001, and not war-time growth;

(5) funding for the full-time support force for the Army National Guard has never exceeded 72 percent of the validated requirement of the headquarters of the Department of the Army;

(6) the current size of the full-time support force for the Army National Guard is the minimum required to maintain foundational readiness requirements; and

(7) further reducing the size of the full-time support force for the Army National Guard will have adverse and long-lasting impacts on readiness.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes
any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2017.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. NUMBER OF MARINE CORPS GENERAL OFFICERS.

(a) DISTRIBUTION OF COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER GRADES.—Section 525(a)(4) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “15” and inserting “17”; and

(2) in subparagraph (C), by striking “23” and inserting “22”.

(b) GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(a)(4) of such title is amended by striking “61” and inserting “62”.

(c) DEPUTY COMMANDANTS.—Section 5045 of such title is amended by striking “six” and inserting “seven”.

SEC. 502. EQUAL CONSIDERATION OF OFFICERS FOR EARLY RETIREMENT OR DISCHARGE.

Section 638a of title 10, United States Code, is amended—
in subsection (b), by adding at the end the following new paragraph:

“(4) Convening selection boards under section 611(b) of this title to consider for early retirement or discharge regular officers on the active-duty list in a grade below lieutenant colonel or commander—

“(A) who have served at least one year of active duty in the grade currently held; and

“(B) whose names are not on a list of officers recommended for promotion.”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

“(e)(1) In the case of action under subsection (b)(4), the Secretary of the military department concerned shall specify the total number of officers described in that subsection that a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement or discharge.

Officers who are eligible, or are within two years of becoming eligible, to be retired under any provision of law (other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484)), if selected by the board,
shall be retired or retained until becoming eligible to retire under sections 3911, 6323, or 8911 of this title, and those officers who are otherwise ineligible to retire under any provision of law shall, if selected by the board, be discharged.

“(2) In the case of action under subsection (b)(4), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

“(A) the names of all eligible officers described in that subsection, whether or not they are eligible to be retired under any provision of law, in a particular grade and competitive category; or

“(B) the names of all eligible officers described in that subsection in a particular grade and competitive category, whether or not they are eligible to be retired under any provision of law, who are also in particular year groups, specialties, or retirement categories, or any combination thereof, with that competitive category.

“(3) The number of officers specified under paragraph (1) may not be more than 30 percent of the number of officers considered.

“(4) An officer who is recommended for discharge by a selection board convened pursuant to the authority of
subsection (b)(4) and whose discharge is approved by the
Secretary concerned shall be discharged on a date speci-

fied by the Secretary concerned.

“(5) Selection of officers for discharge under this
subsection shall be based on the needs of the service.”

SEC. 503. MODIFICATION OF AUTHORITY TO DROP FROM
ROLLS A COMMISSIONED OFFICER.

Section 1161(b) of title 10, United States Code, is
amended by inserting “or the Secretary of Defense, or in
the case of a commissioned officer of the Coast Guard,
the Secretary of the department in which the Coast Guard
is operating when it is not operating in the Navy,” after
“President”.

Subtitle B—Reserve Component
Management

SEC. 511. EXTENSION OF REMOVAL OF RESTRICTIONS ON
THE TRANSFER OF OFFICERS BETWEEN THE
ACTIVE AND INACTIVE NATIONAL GUARD.

Section 512 of the National Defense Authorization
752; 32 U.S.C. pre. 301 note) is amended—

(1) in subsection (a) in the matter preceding
paragraph (1), by striking “December 31, 2016”
and inserting “December 31, 2019”; and
(2) in subsection (b) in the matter preceding paragraph (1), by striking “December 31, 2016” and inserting “December 31, 2019”.

SEC. 512. EXTENSION OF TEMPORARY AUTHORITY TO USE AIR FORCE RESERVE COMPONENT PERSONNEL TO PROVIDE TRAINING AND INSTRUCTION REGARDING PILOT TRAINING.

Section 514(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 810) is amended by inserting “and fiscal year 2017” after “During fiscal year 2016”.

SEC. 513. LIMITATIONS ON ORDERING SELECTED RESERVE TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

Section 12304b(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “only” in the matter preceding subparagraph (A);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) In lieu of paragraph (1), units may be ordered to active duty under this section if—
“(A) the manpower and associated costs of such active duty has been identified by the Secretary concerned as an emerging requirement in the year of execution; and

“(B) the Secretary concerned provides 30-day advance notification to the congressional defense committees that identifies the funds required to support the order, a description of the mission for which the units will be ordered to active duty, and the anticipated length of time of the order of such units to active duty on an involuntary basis.”.

SEC. 514. EXEMPTION OF MILITARY TECHNICIANS (DUAL STATUS) FROM CIVILIAN EMPLOYEE FURLoughs.

Section 10216(b)(3) of title 10, United States Code, is amended by inserting after “reductions” the following: “(including temporary reductions by furlough or otherwise)”.

Subtitle C—General Service Authorities

SEC. 521. TECHNICAL CORRECTION TO ANNUAL AUTHORIZATION FOR PERSONNEL STRENGTHS.

Section 115 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—
(A) in subparagraph (B), by striking “502(f)(2)” and inserting “502(f)(1)(B)”;
(B) in subparagraph (C), by striking “502(f)(2)” and inserting “502(f)(1)(B)”;
(2) in subsection (i)(7), by striking “502(f)(1)” and inserting “502(f)(1)(A)”.

SEC. 522. ENTITLEMENT TO LEAVE FOR ADOPTION OF CHILD BY DUAL MILITARY COUPLES.
Section 701(i) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting “except as provided in paragraph (3),” after “the Secretary of Defense,”; and

(2) in paragraph (3), by striking “only one such member shall be allowed leave under this subsection” and inserting “one of the members shall be allowed up to 21 days of leave under this subsection and the other member shall be allowed up to 14 days of leave under this subsection”.

SEC. 523. REVISION OF DEPLOYABILITY RATING SYSTEM AND PLANNING REFORM.
(a) DEPLOYMENT PRIORITIZATION AND READINESS.—
(1) IN GENERAL.—Chapter 1003 of title 10, United States Code, is amended by inserting after section 10102 the following new section:

§ 10102a. Deployment prioritization and readiness of army components

“(a) DEPLOYMENT PRIORITIZATION.—The Secretary of the Army shall maintain a system for identifying the priority of deployment for units of all components of the Army.

“(b) DEPLOYABILITY READINESS RATING.—The Secretary of the Army shall maintain a readiness rating system for units of all components of the Army that provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. The system shall ensure—

“(1) that the personnel readiness rating of a unit reflects—

“(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its basic mission requirements; and
“(B) the number of personnel in the unit
who are qualified in their primary military oc-
cupational specialty; and
“(2) that the equipment readiness assessment
of a unit—
“(A) documents all equipment required for
deployment;
“(B) reflects only that equipment that is
directly possessed by the unit;
“(C) specifies the effect of substitute
items; and
“(D) assesses the effect of missing compo-
nents and sets on the readiness of major equip-
ment items.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 1003 of such title
is amended by inserting after the item relating to
section 10102 the following new item:

“10102a. Deployment prioritization and readiness of Army components.”.

(b) REPEAL OF SUPERSEDED PROVISIONS OF
LAW.—Sections 1121 and 1135 of the Army National
Guard Combat Readiness Reform Act of 1992 (title XI
of Public Law 102-484; 10 U.S.C. 10105 note) are re-
pealed.
SEC. 524. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.

(a) Expansion of Authority to Execute Military Testamentary Instruments.—

(1) In General.—Paragraph (2) of section 1044d(c) of title 10, United States Code, is amended to read as follows:

“(2) the execution of the instrument is notarized by—

“(A) a military legal assistance counsel;

“(B) a person who is authorized to act as a notary under section 1044a of this title who—

“(i) is not an attorney; and

“(ii) is supervised by a military legal assistance counsel; or

“(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;”.

(2) Clarification.—Paragraph (3) of such section is amended by striking “presiding attorney” and inserting “person notarizing the instrument in accordance with paragraph (2)”. 
(b) EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN MILITARY LEGAL ASSISTANCE OFFICES.—

(1) IN GENERAL.—Subsection (b) of section 1044a of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).”.

SEC. 525. TECHNICAL CORRECTION TO VOLUNTARY SEPARATION PAY AND BENEFITS.

Section 1175a(j) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking “or 12304” and inserting “12304, 12304a, or 12304b”; and

(B) by striking “502(f)(1)” and inserting “502(f)(1)(A)”; and

(2) in paragraph (3), by striking “502(f)(2)” and inserting “502(f)(1)(B)”. 
SEC. 526. ANNUAL NOTICE TO MEMBERS OF THE ARMED FORCES REGARDING CHILD CUSTODY PROTECTIONS GUARANTEED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.

The Secretaries of each of the military departments shall ensure that each member of the Armed Forces with dependents receives annually, and prior to each deployment, notice of the child custody protections afforded to members of the Armed Forces under the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

SEC. 527. PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING.

(a) Pilot Program.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall carry out a pilot program to consolidate the recruiting efforts of the Regular Army, Army Reserve, and Army National Guard under which a recruiter in one of the components participating in the pilot program may recruit individuals to enlist in any of the components regardless of the funding source of the recruiting activity. Under the pilot program, the recruiter shall receive credit toward periodic enlistment goals for each enlistment regardless of the component in which the individual enlists.
(2) DURATION.—The Secretary shall carry out the pilot program for a period of not less than three years.

(b) REPORTS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than one year after the date on which the pilot program under subsection (a) commences, the Secretary shall submit to the Committee on Armed Services of the House of Representatives a report on the pilot program.

(B) ELEMENTS.—The report under subparagraph (A) shall include each of the following:

(i) An analysis of the effects that consolidated recruiting efforts has on the overall ability of recruiters to attract and place qualified candidates.

(ii) A determination of the extent to which consolidating recruiting efforts affects efficiency and recruiting costs.

(iii) An analysis of any challenges associated with a recruiter working to recruit individuals to enlist in a component in which the recruiter has not served.
(iv) An analysis of the satisfaction of recruiters and the component recruiting commands with the pilot program.

(2) Final report.—Not later than 180 days after the date on which the pilot program under subsection (a) is completed, the Secretary shall submit to the committees specified in paragraph (1)(A) a final report on the pilot program. Such final report shall include any recommendations of the Secretary with respect to extending or making permanent the pilot program and a description of any related legislative actions that the Secretary considers appropriate.


(a) Applicability to Female Citizens and Residents Within Specified Age Range.—Section 3(a) of the Military Selective Service Act (50 U.S.C. 3802(a)) is amended—

(1) in the first sentence—

(A) by striking “every male citizen” and inserting “all citizens”;
(B) by striking “every other male person” and inserting “all other persons”; 

(C) by striking “is between” and inserting “are between”; and 

(D) by striking “himself” and inserting “themselves”; and 

(2) in the second sentence, by striking “he continues” and inserting “the alien continues”. 

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the later of—

(1) the date of the enactment of this Act; or 

(2) the date on which the Secretary of Defense certifies to Congress that all Combat Arms Military Occupational Specialties are open to qualified female candidates. 

SEC. 529. PARENTAL LEAVE FOR MEMBERS OF THE ARMED FORCES. 

(a) ADDITIONAL PARENTAL LEAVE AUTHORITY.—

(1) AVAILABILITY OF PARENTAL LEAVE.— 

Chapter 40 of title 10, United States Code, is amended by inserting after section 701 the following new section: 

“§ 701a. Parental leave 

“(a) LEAVE AUTHORIZED.—A member of the armed forces who is performing active service may be allowed
leave under this section for each instance in which the member becomes a parent as a result of the member’s spouse giving birth.

“(b) Amount of Leave.—Leave under this section shall be at least 14 days, under regulations prescribed under this section by the Secretary concerned.

“(c) Duration of Availability of Leave.—Leave under this section is lost as follows:

“(1) If not used within one year of the date of the birth giving rise to the leave.

“(2) If the member having the leave becomes entitled to leave under this section with respect to a different child.

“(3) If not used before separation from active service.

“(d) Coordination With Other Leave Authorities.—Leave under this section is in addition to any other leave and may not be deducted or charged against other leave authorized by this chapter.

“(e) Regulations.—This section shall be carried out under regulations prescribed by the Secretary concerned. Regulations prescribed under this section by the Secretaries of the military departments shall be as uniform as practicable and shall be subject to approval by the Secretary of Defense.”.
(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of title 10, United States Code, is amended by inserting after the item relating to section 701 the following new item:

“701a. Parental leave.”.

(3) CONFORMING AMENDMENT.—Subsection (j) of section 701 of title 10, United States Code, is repealed.

(b) ADOPTIONS BY DUAL-SERVICE COUPLES.—Section 701(i) of title 10, United States Code, is amended by striking paragraph (3) and inserting the following new paragraph:

“(3) In the event that two members of the armed forces who are married to each other adopt a child in a qualifying child adoption, the two members shall be allowed a total of at least 36 days of leave under this subsection, to be shared between the two members. The Secretary concerned shall permit the transfer of such leave between the two members to accommodate individual family circumstances.”.

(c) COVERAGE OF COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following new paragraph:
“(19) Section 701(i) and 701a, Adoption Leave and Parental Leave.”.

Subtitle D—Military Justice, Including Sexual Assault and Domestic Violence Prevention and Response

SEC. 541. EXPEDITED REPORTING OF CHILD ABUSE AND NEGLECT TO STATE CHILD PROTECTIVE SERVICES.

(a) Reporting by Military and Civilian Personnel of the Department of Defense.—Section 1787 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (c) and (d), respectively; and

(2) by inserting before subsection (e), as so redesignated, the following new subsections:

“(a) Reporting by Military and Civilian Personnel.—A member of the armed forces, civilian employee of the Department of Defense, or contractor employee working on a military installation who is mandated by Federal regulation or State law to report known or suspected instances of child abuse and neglect shall provide the report directly to State Child Protective Services or another appropriate State agency in addition to the mem-
ber’s or employee’s chain of command or any designated Department point of contact.

“(b) TRAINING FOR MANDATED REPORTERS.—The Secretary of Defense shall ensure that individuals referred to in subsection (a) who are mandated by State law to report known or suspected instances of child abuse and neglect receive appropriate training, in accordance with State guidelines, intended to improve their—

“(1) ability to recognize evidence of child abuse and neglect; and

“(2) understanding of the mandatory reporting requirements imposed by law.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—Section 1787 of title 10, United States Code, is further amended—

(1) in subsection (c), as redesignated by subsection (a)(1), by striking “IN GENERAL.—” and inserting “REPORTING BY STATES.—”; and

(2) in subsection (d), as redesignated by subsection (a)(1)—

(A) by striking “(d) DEFINITION.—In this section, the term” and inserting the following:

“(d) DEFINITIONS.—In this section:

“(1) The term”; and
(B) by adding at the end the following new paragraph:

“(2) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.”.

SEC. 542. EXTENSION OF THE REQUIREMENT FOR ANNUAL REPORT REGARDING SEXUAL ASSAULTS AND COORDINATION WITH RELEASE OF FAMILY ADVOCACY REPORT.


(1) in subsection (a) by striking “March 1, 2017” and inserting “January 31, 2021”; and

(2) by adding at the end the following new subsection:

“(g) COORDINATION OF RELEASE DATE BETWEEN ANNUAL REPORT REGARDING SEXUAL ASSAULTS AND FAMILY ADVOCACY REPORT.—The Secretary of Defense shall ensure that the report required under subsection (a) for a year is delivered to the Committees on Armed Services of the Senate and House of Representatives simulta-
neously with the Department of Defense Family Advocacy Report for that year required by section 543 of the National Defense Authorization Act for Fiscal Year 2017.”.

SEC. 543. REQUIREMENT FOR ANNUAL FAMILY ADVOCACY PROGRAM REPORT REGARDING CHILD ABUSE AND DOMESTIC VIOLENCE.

(a) ANNUAL REPORT ON CHILD ABUSE AND DOMESTIC VIOLENCE.—Not later than January 31, 2017, and annually thereafter through January 31, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the child abuse and domestic abuse incident data from the Department of Defense Family Advocacy Program central registry of child abuse and domestic abuse incidents for the preceding calendar year.

(b) CONTENTS.—The report shall contain each of the following:

(1) The number of incidents reported during the year covered by the report involving—

(A) spouse physical or sexual abuse;

(B) intimate partner physical or sexual abuse;

(C) child physical or sexual abuse; and

(D) child or domestic abuse resulting in a fatality.
(2) An analysis of the number of such incidents that met the criteria for substantiation.

(3) An analysis of—

(A) the types of abuse reported;

(B) for cases involving children as the reported victims of the abuse, the ages of the abused children; and

(C) other relevant characteristics of the reported victims.

(4) An analysis of the military status, sex, and pay grade of the alleged perpetrator of the child or domestic abuse.

(5) An analysis of the effectiveness of the Family Advocacy Program.

(c) Coordination of Release Date Between Annual Report Regarding Sexual Assaults and Family Advocacy Program Report.—The Secretary of Defense shall ensure that the sexual assault report required under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) is delivered to the Committees on Armed Services of the House of Representatives and the Senate simultaneously with the report required under this section.
SEC. 544. IMPROVED DEPARTMENT OF DEFENSE PREVENTION OF AND RESPONSE TO HAZING IN THE ARMED FORCES.

(a) Anti-Hazing Database.—The Secretary of Defense shall provide for the establishment and use of a comprehensive and consistent data-collection system for the collection of reports, including anonymous reports, of incidents of hazing involving a member of the Armed Forces. The Secretary shall issue department-wide guidance regarding the availability and use of the database, including information on protected classes, such as race and religion, who are often the victims of hazing.

(b) Improved Training.—The Secretary of each military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall seek to improve training to assist members of the Armed Forces better recognize, prevent, and respond to hazing at all command levels.

(c) Annual Survey.—The Secretary of each military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall conduct an annual survey among members of each Armed Force under the jurisdiction of such Secretary to determine the following:

(1) The prevalence of hazing in the Armed Force.
(2) The effectiveness of training provided members of the Armed Force to recognize and prevent hazing.

(3) The extent to which members of the Armed Force report, including anonymously report, incidents of hazing.

(d) Annual Reports on Hazing.—

(1) Report Required.—Not later than January 31 of each year through January 31, 2021, the Secretary of each military department, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a description of efforts during the previous year—

(A) to prevent and to respond to incidents of hazing involving members of the Armed Forces;

(B) to track and encourage reporting, including reporting anonymously, incidents of hazing in the Armed Force; and

(C) to ensure the consistent implementation of anti-hazing policies.
(2) ADDITIONAL ELEMENTS.—Each report required by this subsection also shall address the same elements originally addressed in the anti-hazing reports required by section 534 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1726).

SEC. 545. BURDENS OF PROOF APPLICABLE TO INVESTIGATIONS AND REVIEWS RELATED TO PROTECTED COMMUNICATIONS OF MEMBERS OF THE ARMED FORCES AND PROHIBITED RETALIATORY ACTIONS.

(a) BURDENS OF PROOF.—Section 1034 of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) BURDENS OF PROOF.—The burdens of proof specified in section 1221(e) of title 5 shall apply in any investigation conducted by an Inspector General under subsection (c) or (d), any review performed by a board for the correction of military records under subsection (g), and any review conducted by the Secretary of Defense under subsection (h).”).
(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 30 days after the date of the enactment of this Act, and shall apply with respect to allegations pending or submitted under section 1034 of title 10, United States Code, on or after that date.

SEC. 546. IMPROVED INVESTIGATION OF ALLEGATIONS OF PROFESSIONAL RETALIATION.

Section 1034(c)(4) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) The Secretary concerned shall ensure that any individual investigating an allegation as described in paragraph (1) must have training in the definition and characteristics of retaliation. In addition, if the investigation involves alleged retaliation in response to a communication regarding a violation of a law or regulation prohibiting rape, sexual assault, or other sexual misconduct in violation of sections 920 through 920c of this title (articles 120 through 120c of the Uniform Code of Military Justice), the training shall include specific instruction regarding such violations.”.
Subtitle E—Member Education, Training, and Transition

SEC. 561. REVISION TO QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.

Section 2015(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “is accredited by an accreditation body that” and all that follows and inserting “meets one of the requirements specified in paragraph (2).”; and

(2) by striking paragraph (2) and inserting the following new paragraph:

“(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

“(A) is accredited by a nationally-recognized third-party personnel certification program accreditor;

“(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

“(ii) where appropriate, is endorsed by a nationally-recognized trade association or orga-
(C) grants licenses that are recognized by the Federal Government or a State government; or

“(D) meets credential standards of a Federal agency.”.

SEC. 562. ESTABLISHMENT OF ROTC CYBER INSTITUTES AT SENIOR MILITARY COLLEGES.

(a) In General.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

“§2111c. Senior military colleges: ROTC cyber institutes

“(a) PROGRAM AUTHORIZED.—The Secretary of Defense may establish cyber institutes at each of the senior military colleges for the purpose of accelerating the development of foundational expertise in critical cyber operational skills for future military and civilian leaders of the armed forces and the Department of Defense, including such leaders of the reserve components.

“(b) ELEMENTS.—Each cyber institute established under this section shall include each of the following:

“(1) Training for members of the program who possess cyber operational expertise from beginning
through advanced skill levels, including instruction and practical experiences that lead to cyber certifications recognized in the field.

“(2) Training in targeted strategic foreign language proficiency designed to significantly enhance critical cyber operational capabilities and tailored to current and anticipated readiness requirements.

“(3) Training related to mathematical foundations of cryptography and cryptographic theory and practice designed to complement and reinforce cyber education along with the strategic language programs critical to cyber operations.

“(4) Training designed to expand the pool of qualified cyber instructors necessary to support cyber education in regional school systems.

“(c) PARTNERSHIPS WITH DEPARTMENT OF DEFENSE AND THE ARMED FORCES.—Any cyber institute established under this section may enter into a partnership with any active or reserve component of the armed forces or any agency of the Department of Defense to facilitate the development of critical cyber skills.

“(d) PARTNERSHIPS WITH OTHER SCHOOLS.—Any cyber institute established under this section may enter into a partnership with one or more local educational agencies to facilitate the development of critical cyber
skills under the program among students attending the
elementary and secondary schools of such agencies who
may pursue a military career.

“(e) SENIOR MILITARY COLLEGES.—The senior mili-
tary colleges are the senior military colleges in section
2111a(f) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by adding
at the end the following new item:

“2111c. Senior military colleges: ROTC cyber institutes.”.

SEC. 563. MILITARY-TO-MARINER TRANSITION.

(a) REPORT.— Not later than 180 days after the
date of the enactment of this Act, the Secretary of Defense
and the Secretary of the department in which the Coast
Guard is operating shall jointly report to the Committee
on Armed Services and the Committee on Transportation
and Infrastructure of the House of Representatives and
the Committee on Armed Services and the Committee on
Commerce, Science, and Transportation of the Senate on
steps the Departments of Defense and Homeland Security
have taken or intend to take to—

(1) maximize the extent to which United States
armed forces service, training, and qualifications are
creditable toward meeting the laws and regulations
governing United States merchant mariner license,
certification, and document laws and the Inter-
national Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, including steps to enhance interdepartmental coordination; and

(2) to promote better awareness among armed forces personnel who serve in vessel operating positions of the requirements for post-service use of armed forces training, education, and practical experience in satisfaction of requirements for merchant mariner credentials under section 11.213 of title 46, Code of Federal Regulation, and the need to document such service in a manner suitable for post-service use.

(b) List of Training Programs.—The report under subsection (a) shall include a list of Army, Navy, and Coast Guard training programs open to Army, Navy, and Coast Guard vessel operators, respectively, that shows—

(1) which programs have been approved for credit toward merchant mariner credentials;

(2) which programs are under review for such approval;

(3) which programs are not relevant to the training needed for merchant mariner credentials; and
which programs could become eligible for
credit toward merchant mariner credentials with
minor changes.

SEC. 564. EMPLOYMENT AUTHORITY FOR CIVILIAN FAC-
ULTY AT CERTAIN MILITARY DEPARTMENT
SCHOOLS.

(a) ADDITION OF ARMY UNIVERSITY AND ADDI-
TIONAL FACULTY.—

(1) IN GENERAL.—Section 4021 of title 10,
United States Code, is amended—

(A) by striking subsection (a) and insert-
ing the following new subsection:

“(a) AUTHORITY OF SECRETARY.—The Secretary of
the Army may employ as many civilians as professors, in-
structors, lecturers, researchers, and administrative fac-
ulty at the Army War College, the United States Army
Command and General Staff College, and the Army Uni-
versity as the Secretary considers necessary.”; and

(B) by striking subsection (c).

(2) CLERICAL AMENDMENT.—The heading of
such section is amended to read as follows:
§ 4021. Army War College, United States Army Command and General Staff College, and Army University: civilian faculty members.

(b) NAVAL WAR COLLEGE AND MARINE CORPS UNIVERSITY.—Section 7478 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) AUTHORITY OF SECRETARY.—The Secretary of the Navy may employ as many civilians as professors, instructors, lecturers, researchers, and administrative faculty at a school of the Naval War College or of the Marine Corps University as the Secretary considers necessary.”;

and

(2) by striking subsection (c).

(c) AIR UNIVERSITY.—Section 9021 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) AUTHORITY OF SECRETARY.—The Secretary of the Air Force may employ as many civilians as professors, instructors, lecturers, researchers, and administrative faculty at a school of the Air University as the Secretary considers necessary.”; and

(2) by striking subsection (c).
SEC. 565. REVISION OF NAME ON MILITARY SERVICE RECORD TO REFLECT CHANGE IN NAME OF A MEMBER OF THE ARMY, NAVY, AIR FORCE, OR MARINE CORPS, AFTER SEPARATION FROM THE ARMED FORCES.

(a) Revision Required.—Section 1551 of title 10, United States Code, is amended—

(1) by inserting “(a) SERVICE UNDER ASSUMED NAME.—” before “The Secretary”; and

(2) by adding at the end the following new subsection:

“(b) EFFECT OF CHANGE IN NAME.—The Secretary of the military department concerned shall reissue a certificate of discharge or an order of acceptance of resignation in the new name of any person who, after separation from an armed force under the jurisdiction of that Secretary, legally changes the person’s name to reflect the person’s gender identity.”.

(b) Clerical Amendments.—

(1) Section heading.—The heading of section 1551 of title 10, United States Code, is amended to read as follows:

“§1551. Correction of name after separation from service”.

(2) Table of sections.—The table of sections at the beginning of chapter 79 of title 10, United States Code, is amended to read as follows:

<table>
<thead>
<tr>
<th>Chapter 79</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>79</td>
<td>§1551</td>
</tr>
</tbody>
</table>
States Code, is amended by striking the item relating to section 1551 and inserting the following new item:

“1551. Correction of name after separation from service.”.

SEC. 566. DIRECT EMPLOYMENT PILOT PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

(a) PROGRAM AUTHORITY.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense to provide job placement assistance and related employment services directly to members in the National Guard and Reserves.

(b) ADMINISTRATION.—The pilot program shall be offered to, and administered by, the adjutants general appointed under section 314 of title 32, United States Code.

(c) COST-SHARING REQUIREMENT.—As a condition on the provision of funds under this section to a State to support the operation of the pilot program in the State, the State must agree to contribute an amount, derived from non-Federal sources, equal to at least 30 percent of the funds provided by the Secretary of Defense under this section.

(d) DIRECT EMPLOYMENT PROGRAM MODEL.—The pilot program should follow a job placement program model that focuses on working one-on-one with a member of a reserve component to cost-effectively provide job
placement services, including services such as identifying unemployed and under employed members, job matching services, resume editing, interview preparation, and post-employment follow up. Development of the pilot program should be informed by State direct employment programs for members of the reserve components, such as the programs conducted in California and South Carolina.

(e) Evaluation.—The Secretary of Defense shall develop outcome measurements to evaluate the success of the pilot program.

(f) Reporting Requirements.—

(1) Report Required.—Not later than January 31, 2021, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the results of the pilot program. The Secretary shall prepare the report in coordination with the Chief of the National Guard Bureau.

(2) Elements of Report.—A report under paragraph (1) shall include the following:

(A) A description and assessment of the effectiveness and achievements of the pilot program, including the number of members of the reserve components hired and the cost-per-placement of participating members.
(B) An assessment of the impact of the pilot program and increased reserve component employment levels on the readiness of members of the reserve components.

(C) Any other matters considered appropriate by the Secretary.

(g) DURATION OF AUTHORITY.—

(1) IN GENERAL.—The authority to carry out the pilot program expires September 30, 2019.

(2) EXTENSION.—Upon the expiration of the authority under paragraph (1), the Secretary of Defense may extend the pilot program for not more than two additional fiscal years.

SEC. 567. PROHIBITION ON ESTABLISHMENT, MAINTENANCE, OR SUPPORT OF SENIOR RESERVE OFFICERS' TRAINING CORPS UNITS AT EDUCATIONAL INSTITUTIONS THAT DISPLAY CONFEDERATE BATTLE FLAG.

(a) PROHIBITION.—Section 2102 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) PROHIBITION RELATED TO DISPLAY OF CONFEDERATE BATTLE FLAG.—(1) The Secretary of a military department may not establish, maintain, or support a unit of the program at any educational institution, in-
including any senior military college specified in section 2111a of this title, that displays, in a location other than in a museum exhibit, the Confederate battle flag.

“(2)(A) Upon making a determination under paragraph (1) that an educational institution displays, in a location other than in a museum exhibit, the Confederate battle flag, the Secretary of the military department concerned shall terminate, in accordance with subparagraph (B), any unit of the program at that educational institution in existence as of the date of the determination.

“(B) The termination of a unit of the program at an educational institution pursuant to this paragraph shall take effect on the date on which—

“(i) each member of the program who, as of the date of the determination, is enrolled in the educational institution is no longer so enrolled; and

“(ii) each student who, as of the date of the determination, is enrolled in the educational institution but not yet a member of the program, is no longer so enrolled.

“(3) Not later than January 31, 2017, and each January 31 thereafter through January 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report—
“(A) identifying each unit of the program located at an educational institution that displays, in a location other than in a museum exhibit, the Confederate battle flag; and

“(B) describing the implementation of this subsection with respect to that educational institution.

“(4) In this subsection, the term ‘Confederate battle flag’ means the battle flag of the Army of Northern Virginia, the battle flag of the Army of Tennessee, the battle flag of Forrest’s Cavalry Corps, the Second Confederate Navy Jack, the Second Confederate Navy Ensign, or other flag with a like design.”.

(b) CONFORMING AMENDMENTS.—(1) Section 2102(d) of title 10, United States Code, is amended by striking “The President” and inserting “Subject to subsection (e), the President”.

(2) Section 2111a of title 10, United States Code, is amended—

(A) in subsection (d), by striking “The Secretary” and inserting “Except as provided in section 2102(e) of this title, the Secretary”; and

(B) in subsection (e)(1), by striking “The Secretary” and inserting “Except in the case of a senior military college at which a unit of the program is ter-
minated pursuant to section 2102(e) of this title, the
Secretary’.

(c) EXCEPTION.—Section 2102 of title 10, United
States Code, is further amended by adding at the end the
following:

“(f) EXCEPTION.—The prohibition under subsection
(e) shall not apply to an educational institution if the
board of visitors of such institution has voted to take down
the flag described in such subsection.”.

Subtitle F—Defense Dependents’
Education and Military Family
Readiness Matters

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL
EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED
FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
amount authorized to be appropriated for fiscal year 2017
by section 301 and available for operation and mainte-
nance for Defense-wide activities as specified in the fund-
ing table in division D, $30,000,000 shall be available only
for the purpose of providing assistance to local educational
agencies under subsection (a) of section 572 of the Na-

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.

(a) IN GENERAL.—The Secretary of Defense may provide financial or non-monetary support to qualified nonprofit organizations in order to assist such organizations in carrying out programs to support the attendance at a camp or camp-like setting of children of military families who have experienced the death of a family member or other loved one or who have another family member living with a substance use disorder or post-traumatic stress disorder.

(b) APPLICATION FOR SUPPORT.—

(1) IN GENERAL.—Each organization seeking support pursuant to subsection (a) shall submit to the Secretary an application therefor containing such information as the Secretary shall specify for purposes of this section.
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(2) CONTENTS.—Each application submitted
under paragraph (1) shall include the following:

(A) A description of the program for which
support is being sought, including the location
of the setting or settings under the program,
the duration of such setting or setting, any
local partners participating in or contributing to
the program, and the ratio of counselors,
trained volunteers, or both to children at such
setting or settings.

(B) An estimate of the number of children
of military families to be supported using the
support sought.

(C) A description of the type of activities
that will be conducted using the support
sought, including the manner in which activities
are particularly supportive to children of mili-
tary families described in subsection (a).

(D) A description of the outreach con-
ducted or to be conducted by the organization
to military families regarding the program.

(e) PREFERENCE IN APPROVAL OF APPLICATIONS.—
The Secretary shall accord a preference in the approval
of applications submitted pursuant to subsection (b) to ap-
plications submitted by organizations that—
(1) provide a traditional camp or camp-like environment setting that is hosted by an accredited service provider or facility;

(2) offer activities in that setting that—

   (A) includes a continued care model;

   (B) is tailored to the needs of children and uses recognized best practices;

   (C) exhibits an adequate understanding and recognition of appropriate military culture and traditions; and

   (D) places a focus on peer-to-peer support and activities;

(3) offers post-camp and continuing bereavement or addiction-prevention support, as applicable;

(4) offer support services for children and families; and

(5) provides for evaluations of the camp experience by children and their families after camp.

(d) USE OF SUPPORT.—Support provided by the Secretary to an organization pursuant to subsection (a) shall be used by the organization to support attendance at a camp or camp-like setting of children of military families described in subsection (a).
Subtitle G—Decorations and Awards

SEC. 581. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER WAR VETERANS.

(a) REVIEW REQUIRED.—The Secretary of each military department shall review the service records of each Asian American and Native American Pacific Islander war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) COVERED VETERANS.—The Asian American and Native American Pacific Islander war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Asian American or Native American Pacific Islander war veteran who was awarded the Distinguished-Service Cross, the Navy Cross, or the Air Force Cross during the Korean War or the Vietnam War.

(2) Any other Asian American or Native American Pacific Islander war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.
(c) Consultations.—In carrying out the review under subsection (a), the Secretary of each military department shall consult with such veterans service organizations as the Secretary considers appropriate.

(d) Recommendations Based on Review.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Asian American or Native American Pacific Islander war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) Authority to Award Medal of Honor.—A Medal of Honor may be awarded to an Asian American or Native American Pacific Islander war veteran in accordance with a recommendation of the Secretary concerned under subsection (d).

(f) Congressional Notification.—No Medal of Honor may be awarded pursuant to subsection (e) until the Secretary of Defense submits to the Committee on Armed Services of the Senate and House of Representatives notice of the recommendations under subsection (d), including the name of each Asian American or Native American Pacific Islander war veteran recommended to be
1 awarded a Medal of Honor and the rationale for such re-
2 commendation.
3
4 (g) WAIVER OF TIME LIMITATIONS.—An award of
5 the Medal of Honor may be made under subsection (e)
6 without regard to—
7
8 (1) section 3744, 6248, or 8744 of title 10,
9 United States Code, as applicable; and
10
11 (2) any regulation or other administrative re-
12 striction on—
13
14 (A) the time for awarding the Medal of
15 Honor; or
16
17 (B) the awarding of the Medal of Honor
18 for service for which a Distinguished-Service
19 Cross, Navy Cross, or Air Force Cross has been
20 awarded.
21
22 (h) DEFINITION.—In this section the term “Native
23 American Pacific Islander” means a Native Hawaiian or
24 Native American Pacific Islander, as those terms are de-
25 fined in section 815 of the Native American Programs Act
27
28 SEC. 582. AUTHORIZATION FOR AWARD OF MEDALS FOR
29 ACTS OF VALOR.
30
31 (a) AUTHORIZATION.—Notwithstanding the time lim-
32 itations specified in sections 3744, 6248, 8744 of title 10,
33 United States Code, or any other time limitation with re-
pect to the awarding of certain medals to persons who served in the United States Armed Forces, the President may award a medal referred to in subsection (c) to a member or former member of the United States Armed Forces identified as warranting award of that medal pursuant to the review of valor award nominations for Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Freedom’s Sentinel, and Operation Inherent Resolve that was directed by the Secretary of Defense on January 7, 2016.

(b) AWARD OF MEDAL OF HONOR.—If, pursuant to the review referred to in subsection (a), the President decides to award to a member or former member of the Armed Forces the Medal of Honor, the medal may only be awarded after the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a letter identifying the intended recipient of the Medal of Honor and the rationale for awarding the medal of honor to such intended recipient.

(c) MEDALS.—The medals referred to in this subsection are any of the following:

(1) The Medal of Honor under section 3741, 6241, or 8741 of title 10, United States Code;
(2) The Distinguished-Service Cross under section 3742 of title 10, United States Code.

(3) The Navy Cross under section 6242 of title 10, United States Code.


(5) The Silver Star under section 3746, 6244, or 8746 of title 10, United States Code.

(d) Termination.—No medal may be awarded under this section after December 31, 2019.

SEC. 583. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARY M. ROSE FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) Authorization.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to Gary M. Rose for the acts of valor described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United States
Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

SEC. 584. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO CHARLES S. KETTLES FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) Waiver of Time Limitations.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to Charles S. Kettles for the acts of valor during the Vietnam War described in subsection (b).

(b) Acts of Valor Described.—The acts of valor referred to in subsection (a) are the actions of Charles S. Kettles during combat operations on May 15, 1967, while serving as Flight Commander, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of Vietnam, for which he was previously awarded the Distinguished-Service Cross.
Subtitle H—Miscellaneous Reports and Other Matters

SEC. 591. BURIAL OF CREMATED REMAINS IN ARLINGTON NATIONAL CEMETERY OF CERTAIN PERSONS WHOSE SERVICE IS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 2410 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Secretary of the Army shall ensure that under such regulations as the Secretary may prescribe, the cremated remains of any person described in paragraph (2) are eligible for inurnment in Arlington National Cemetery with military honors in accordance with section 1491 of title 10.

“(2) A person described in this paragraph is a person whose service has been determined to be active duty service pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note) as of the date of the enactment of this paragraph.”.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to—
(A) the remains of a person that are not
formally interred or inurned as of the date of
the enactment of this Act; and

(B) a person who dies on or after the date
of the enactment of this Act.

(2) Formally Interred or Inurned Defined.—In this subsection, the term “formally interred or inurned” means interred or inurned in a
cemetery, crypt, mausoleum, columbarium, niche, or
other similar formal location.

(c) Report on Capacity of Arlington National
Cemetery.—Not later than 180 days after the date of
the enactment of this Act, the Secretary of the Army shall
submit to the Committees on Veterans’ Affairs and the
Committees on Armed Services of the House of Represent-
atives and the Senate a report on the interment and
inurnment capacity of Arlington National Cemetery, in-
cluding—

(1) the estimated date that the Secretary deter-
mines the cemetery will reach maximum interment
and inurnment capacity; and

(2) in light of the unique and iconic meaning of
the cemetery to the United States, recommendations
for legislative actions and nonlegislative options that
the Secretary determines necessary to ensure that
the maximum interment and inurnment capacity of
the cemetery is not reached until well into the fu-
ture, including such actions and options with respect
to—

(A) redefining eligibility criteria for inter-
ment and inurnment in the cemetery; and

(B) considerations for additional expansion
opportunities beyond the current boundaries of
the cemetery.

SEC. 592. REPRESENTATION FROM MEMBERS OF THE
ARMED FORCES ON BOARDS, COUNCILS, AND
COMMITTEES MAKING RECOMMENDATIONS
RELATING TO MILITARY PERSONNEL ISSUES.

(a) IN GENERAL.—Chapter 7 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 190. Representation on boards, councils, and com-
mittees making recommendations relating
to military personnel issues

“(a) REPRESENTATION REQUIRED.—Notwith-
standing any other provision of law, any board, council,
or committee established under this chapter that is re-
sponsible for making any recommendation relating to any
military personnel issue affecting enlisted members of the
armed forces shall include representation on the board,
council, or committee from enlisted members of the armed forces or retired enlisted members of the armed forces.

“(b) MILITARY PERSONNEL ISSUES.—For purposes of this section, military personnel issues include issues relating to health care, retirement benefits, pay, direct and indirect compensation, and entitlements for members of the armed forces.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“190. Representation on boards, councils, and committees making recommendations relating to military personnel issues.”.

SEC. 593. BODY MASS INDEX TEST.

(a) REVIEW.—The Secretary of Defense shall review—

(1) the current body mass index test procedure used by the Armed Forces; and

(2) other methods to measure body fat with a more holistic health and wellness approach.

(b) ELEMENTS.—The review under subsection (a) shall—

(1) address nutrition counseling;

(2) determine the best methods to be used by the Armed Forces to assess body fat percentages; and
(3) improve the accuracy of body fat measure-
ments.

SEC. 594. PRESEPARATION COUNSELING REGARDING OP-
TIONS FOR DONATING BRAIN TISSUE AT
TIME OF DEATH FOR RESEARCH.

Section 1142(b)(11) of title 10, United States Code,
is amended by inserting before the period at the end the
following: “, and information concerning options available
to the member for registering at or following separation
to donate brain tissue at time of the member’s death for
research regarding traumatic brain injury and chronic
traumatic encephalopathy”.

SEC. 595. RECOGNITION OF THE EXPANDED SERVICE OP-
PORTUNITIES AVAILABLE TO FEMALE MEM-
BERS OF THE ARMED FORCES AND THE LONG
SERVICE OF WOMEN IN THE ARMED FORCES.

Congress—

(1) honors women who have served, and who
are currently serving, as members of the Armed
Forces;

(2) commends female members of the Armed
Forces who have sacrificed their lives in defense of
the United States;
(3) recognizes that female members of the Armed Forces are an integral and invaluable part of the Armed Forces;

(4) urges the Secretary of Defense to ensure that female members of the Armed Forces receive adequate, well-fitted equipment in order to ensure optimal safety and protection;

(5) urges the Secretary of Defense to ensure that female members of the Armed Forces have access to adequate health services that fully address their specific medical needs;

(6) encourages the Secretary of Defense to develop new initiatives focused on recruiting and retaining more women in the officer corps; and

(7) recognizes that the United States must continue to encourage and support female members of the Armed Forces as they fight for and defend the United States.

SEC. 596. SENSE OF CONGRESS REGARDING PLAGHT OF MALE VICTIMS OF MILITARY SEXUAL TRAUMA.

(a) FINDING.—Congress finds that the plight of male victims of military sexual trauma remains in the shadows due a lack of social awareness on the issue of male victimization.
(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should—

1. enhance victims’ access to intensive medical and mental health treatment for military sexual trauma treatment;
2. look for opportunities to utilize male survivors of sexual assault as presenters during annual Sexual Assault Preventions and Response training; and
3. ensure Department of Defense medical and mental health providers are adequately trained to meet the needs of male survivors of military sexual trauma.

**SEC. 597. SENSE OF CONGRESS REGARDING SECTION 504 OF TITLE 10, UNITED STATES CODE, ON EXISTING AUTHORITY OF THE DEPARTMENT OF DEFENSE TO ENLIST INDIVIDUALS, NOT OTHERWISE ELIGIBLE FOR ENLISTMENT, WHOSE ENLISTMENT IS VITAL TO THE NATIONAL INTEREST.**

It is the sense of Congress that a statute currently exists, specifically paragraph (2) of section 504(b) of title 10, United States Code, which states that “the Secretary concerned may authorize the enlistment of a person not described in paragraph (1) [of that section] if the Sec-
retary determines that such enlistment is vital to the na-
tional interest”.

SEC. 598. PROTECTION OF SECOND AMENDMENT RIGHTS
OF MILITARY FAMILIES.

(a) SHORT TITLE.—This section may be cited as the “Protect Our Military Families’ 2nd Amendment Rights Act”.

(b) RESIDENCY OF SPOUSES OF MEMBERS OF THE ARMED FORCES TO BE DETERMINED ON THE SAME BASIS AS THE RESIDENCY OF SUCH MEMBERS FOR PURPOSES OF FEDERAL FIREARMS LAWS.—Section 921(b) of title 18, United States Code, is amended to read as fol-
lows:

“(b) For purposes of this chapter:

“(1) A member of the Armed Forces on active duty and the spouse of such a member are residents of the State in which the permanent duty station of the member is located.

“(2) The spouse of such a member may satisfy the identification document requirements of this chapter by presenting—

“(A) the military identification card issued to the spouse; and

“(B) the official Permanent Change of Station Orders annotating the spouse as being
authorized for collocation, or an official letter from the commanding officer of the member verifying that the member and the spouse are collocated at the permanent duty station of the member.”.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to conduct engaged in after the 6-month period that begins with the date of the enactment of this Act.

SEC. 599. PILOT PROGRAM ON ADVANCED TECHNOLOGY FOR ALCOHOL ABUSE PREVENTION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall establish a pilot program to demonstrate the feasibility of using portable, disposable alcohol breathalyzers and a cloud based server platform to collect data and monitor the progress of alcohol abuse prevention programs through the use of digital applications.

(b) ELEMENTS.—In carrying out the pilot program under subsection (a), the Secretary shall—

(1) select at least three locations at which to carry out the program, including at least one military service initial training location;
(2) at each location selected under paragraph (1), include at least one active duty unit with no less than 300 personnel and one reserve unit with no less than 300 personnel; and

(3) offer participation in the pilot program on a voluntary basis.

(e) DURATION.—The pilot program under subsection (a) shall be operational for a minimum of 6 months and shall terminate not later than September 30, 2018.

(d) REPORTS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(1) not later than 120 days after the date of the implementation of the pilot program under subsection (a), a report on the implementation of the program; and

(2) not later than one year after the date of the implementation of the program, a report on the program, including findings and recommendations of the Secretary with respect to the benefits of using advanced technology as part of alcohol abuse prevention efforts within the military services.

(e) FUNDING.—The Secretary of Defense may carry out the pilot program under subsection (a) using amounts authorized to be appropriated for Alcohol Abuse Preven-
TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances

SEC. 601. ANNUAL ADJUSTMENT OF MONTHLY BASIC PAY.

The adjustment in the rates of monthly basic pay required by subsection (a) of section 1009 of title 37, United States Code, to be made on January 1, 2017, shall take effect, notwithstanding any determination made by the President under subsection (e) of such section with respect to an alternative pay adjustment to be made on such date.

SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

SEC. 603. PROHIBITION ON PER DIEM ALLOWANCE REDUCTIONS BASED ON THE DURATION OF TEMPORARY DUTY ASSIGNMENT OR CIVILIAN TRAVEL.

(a) MEMBERS.—Section 474(d)(3) of title 37, United States Code, is amended by adding at the end the fol-
lowing new sentence: “The Secretary of a military depart-
ment shall not alter the amount of the per diem allowance,
or the maximum amount of reimbursement, for a locality
based on the duration of the temporary duty assignment
in the locality of a member of the armed forces under the
jurisdiction of the Secretary.”.

(b) CIVILIAN EMPLOYEES.—Section 5702(a)(2) of
title 5, United States Code, is amended by adding at the
end the following new sentence: “The Secretary of Defense
shall not alter the amount of the per diem allowance, or
the maximum amount of reimbursement, for a locality
based on the duration of the travel in the locality of an
employee of the Department.”.

(e) REPEAL OF POLICY AND REGULATIONS.—The
policy, and any regulations issued pursuant to such policy,
implemented by the Secretary of Defense on November 1,
2014, with respect to reductions in per diem allowances
based on duration of temporary duty assignment or civil-
ian travel shall have no force or effect.
Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.
(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) Title 10 Authorities.—The following sections of title 10, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) Title 37 Authorities.—The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.
(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:
(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.
(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 Bonuses and Special Pays.

The following sections of title 37, United States Code, are amended by striking “December 31, 2016” and inserting “December 31, 2017”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.
(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. INCREASE IN MAXIMUM AMOUNT OF AVIATION SPECIAL PAYS FOR FLYING DUTY.

Section 334(c)(1) of title 37, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

“(A) aviation incentive pay under subsection (a) shall be paid at a monthly rate not to exceed $1,000 per month; and

“(B) an aviation bonus under subsection (b) may not exceed $60,000 for each 12-month
period of obligated service agreed to under sub-
section (d).”.

SEC. 617. CONFORMING AMENDMENT TO CONSOLIDATION

OF SPECIAL PAY, INCENTIVE PAY, AND

BONUS AUTHORITIES.

Section 332(c)(1)(B) of title 37, United States Code,
is amended by striking “$12,000” and inserting
“$20,000”.

SEC. 618. TECHNICAL AND CLERICAL AMENDMENTS RELAT-

ING TO 2008 CONSOLIDATION OF CERTAIN

SPECIAL PAY AUTHORITIES.

(a) FAMILY CARE PLANS.—Section 586 of the Na-
tional Defense Authorization Act for Fiscal Year 2008
(Public Law 110–181; 10 U.S.C. 991 note) is amended
by inserting “or 351” after “section 310”.

(b) DEPENDENTS’ MEDICAL CARE.—Section
1079(g)(1) of title 10, United States Code, is amended
by inserting “or 351” after “section 310”.

(c) RETENTION ON ACTIVE DUTY DURING DIS-
ABILITY EVALUATION PROCESS.—Section 1218(d)(1) of
title 10, United States Code, is amended by inserting “or
351” after “section 310”.

(d) STORAGE SPACE.—Section 362(1) of the John
Year 2007 (Public Law 109–364; 10 U.S.C. 2825 note)
is amended by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.

c) **STUDENT ASSISTANCE PROGRAMS.**—Sections 455(o)(3)(B) and 465(a)(2)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)(3)(B), 1087ee(a)(2)(D)) are amended by inserting “or paragraph (1) or (3) of section 351(a).” after “section 310”.


g) **VETERANS OF FOREIGN WARS MEMBERSHIP.**—Section 230103(3) of title 36, United States Code, is amended by inserting “or 351” after “section 310”.

(h) **MILITARY PAY AND ALLOWANCES.**—Title 37, United States Code, is amended—

   (1) in section 212(a), by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”;

   (2) in section 402a(b)(3)(B), by inserting “or 351” after “section 310”;

   (3) in section 481a(a), by inserting “or 351” after “section 310”;

   (4) in section 907(d)(1)(H), by inserting “or 351” after “section 310”; and
(5) in section 910(b)(2)(B), by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.

(i) Exclusions From Income for Purpose of Supplemental Security Income.—Section 1612(b)(20) of the Social Security Act (42 U.S.C. 1382a(b)(20)) is amended by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.


(k) Exclusions From Gross Income for Federal Income Tax Purposes.—Section 112(e)(5)(B) of the Internal Revenue Code of 1986 is amended by inserting “, or paragraph (1) or (3) of section 351(a),” after “section 310”.

SEC. 619. COMBAT-RELATED SPECIAL COMPENSATION COORDINATING AMENDMENT.

Subparagraph (B) of section 1413a(b)(3) of title 10, United States Code, is amended by striking “the amount equal to” and all that follows through “creditable service multiplied” and inserting the following: “the amount equal to the retired pay multiplier determined for the member under section 1409 of this title multiplied”.

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Subtitle C—Disability, Retired Pay, and Survivor Benefits

SEC. 621. SEPARATION DETERMINATIONS FOR MEMBERS PARTICIPATING IN THRIFT SAVINGS PLAN.

The amendment to be made by section 632(c)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 847) shall not take effect.

SEC. 622. CONTINUATION PAY FOR FULL THRIFT SAVINGS PLAN MEMBERS WHO HAVE COMPLETED 8 TO 12 YEARS OF SERVICE.

(a) CONTINUATION PAY.—Section 356 of title 37, United States Code, which shall take effect on January 1, 2018, pursuant to section 635 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 851), is amended—

(1) in the heading, by striking “12 years” and inserting “8 to 12 years”;

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and”;

and
(B) in paragraph (2), by striking “an additional 4 years” and inserting “not less than 3 additional years”;

(3) by amending subsection (b) to read as follows:

“(b) PAYMENT AMOUNT.—The Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member’s monthly basic pay but shall not be less than 2.5 times the member’s monthly basic pay. The maximum amount the Secretary concerned may pay the member under this section is—

“(1) in the case of a member of a regular component or in a reserve component if the member is performing active Guard and Reserve duty (as defined in section 101(d)(6) of title 10), 13 times the amount of the monthly basic pay payable to the member for the month during which the agreement under subsection (a)(2) is entered into; and

“(2) in the case of any member not covered by paragraph (1), 6 times the amount of monthly basic pay to which the member would be entitled for the month during which the agreement under subsection (a)(2) is entered into if the member were serving on active duty at the time the agreement is entered into.”; and
(4) by amending subsection (d) to read as follows:

“(d) **Timing of Payment.**—The Secretary concerned shall pay continuation pay under subsection (a) to a full TSP member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service.”.

(b) **Clerical Amendment.**—The item relating to section 356 in the table of sections at the beginning of chapter 5 of title 37, United States Code, which shall take effect on January 1, 2018, pursuant to section 635 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 851), is amended by striking “12 years” and inserting “8 to 12 years”.

**Sec. 623. Special Survivor Indemnity Allowance.**

(a) **Payment Amount Per Fiscal Year.**—Paragraph (2)(I) of section 1450(m) of title 10, United States Code, is amended by striking “fiscal year 2017” and inserting “each of fiscal years 2017 and 2018”.

(b) **Duration.**—Paragraph (6) of such section is amended—

(1) by striking “September 30, 2017” and inserting “September 30, 2018”; and

(2) by striking “October 1, 2017” both places it appears and inserting “October 1, 2018”.
SEC. 624. EQUAL BENEFITS UNDER SURVIVOR BENEFIT PLAN FOR SURVIVORS OF RESERVE COMPONENT MEMBERS WHO DIE IN THE LINE OF DUTY DURING INACTIVE-DUTY TRAINING.

(a) Treatment of Inactive-Duty Training in Same Manner as Active Duty.—Section 1451(c)(1)(A) of title 10, United States Code, is amended—

(1) in clause (i)—

(A) by inserting “or 1448(f)” after “section 1448(d)”;

(B) by inserting “or (iii)” after “clause (ii)’’;

(2) in clause (iii)—

(A) by striking “section 1448(f) of this title” and inserting “section 1448(f)(1)(A) of this title by reason of the death of a member or former member not in line of duty’’; and

(B) by striking “active service” and inserting “service”.

(b) Consistent Treatment of Dependent Children.—Paragraph (2) of section 1448(f) of title 10, United States Code, is amended to read as follows:

“(2) Dependent children annuity.—

“(A) Annuity when no eligible surviving spouse.—In the case of a person described in paragraph (1), the Secretary con-
cerned shall pay an annuity under this sub-
chapter to the dependent children of that per-
son under section 1450(a)(2) of this title as ap-
icable.

“(B) OPTIONAL ANNUITY WHEN THERE IS
AN ELIGIBLE SURVIVING SPOUSE.—The Sec-
retary may pay an annuity under this sub-
chapter to the dependent children of a person
described in paragraph (1) under section
1450(a)(3) of this title, if applicable, instead of
paying an annuity to the surviving spouse
under paragraph (1), if the Secretary con-
cerned, in consultation with the surviving
spouse, determines it appropriate to provide an
annuity for the dependent children under this
paragraph instead of an annuity for the sur-
viving spouse under paragraph (1).”.

(c) DEEMED ELECTIONS.—Section 1448(f) of title
10, United States Code, is further amended by adding at
the end the following new paragraph:

“(5) DEEMED ELECTION TO PROVIDE AN AN-
NUITY FOR DEPENDENT.—Paragraph (6) of sub-
section (d) shall apply in the case of a member de-
scribed in paragraph (1) who dies after November
23, 2003, when no other annuity is payable on behalf of the member under this subchapter.”.

(d) Availability of Special Survivor Indemnity Allowance.—Section 1450(m)(1)(B) of title 10, United States Code, is amended by inserting “or (f)” after “subsection (d)”.

(e) Application of Amendments.—

(1) Payment.—No annuity benefit under subchapter II of chapter 73 of title 10, United States Code, shall accrue to any person by reason of the amendments made by this section for any period before the date of the enactment of this Act.

(2) Elections.—For any death that occurred before the date of the enactment of this Act with respect to which an annuity under such subchapter is being paid (or could be paid) to a surviving spouse, the Secretary concerned may, within six months of that date and in consultation with the surviving spouse, determine it appropriate to provide an annuity for the dependent children of the decedent under paragraph 1448(f)(2)(B) of title 10, as added by subsection (b)(1), instead of an annuity for the surviving spouse. Any such determination and resulting change in beneficiary shall be effective as of the first
day of the first month following the date of the determination.

SEC. 625. USE OF MEMBER’S CURRENT PAY GRADE AND YEARS OF SERVICE, RATHER THAN FINAL RETIREMENT PAY GRADE AND YEARS OF SERVICE, IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) USE OF CURRENT PAY GRADE REQUIRED.—Section 1408(a)(4) of title 10, United States Code, is amended in the matter preceding subparagraph (A) by inserting after “member is entitled” the following: “(to be determined using the member’s pay grade and years of service at the time of the court order, rather than the member’s pay grade and years of service at the time of retirement, unless the same)”.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after the date of the enactment of this Act.
Subtitle D—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations

SEC. 631. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT COMMISSARIES AND EXCHANGES.

(a) OPTIMIZATION STRATEGY.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following paragraph:

“(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance of those systems on appropriated funding without reducing benefits to the patrons of those systems or the revenue generated by non-appropriated fund entities or instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

“(B) The Secretary shall ensure that savings generated due to such optimization practices are shared by the defense commissary system and the exchange system through contracts or agreements that appropriately reflect the participation of the systems in the development and implementation of such practices.
“(C) If the Secretary determines that the reduced reliance on appropriated funding pursuant to subparagraph (A) is insufficient to maintain the benefits to the patrons of the defense commissary system, and if the Secretary converts the defense commissary system to a non-appropriated fund entity or instrumentality pursuant to paragraph (1) of section 2484(j) of this title, the Secretary shall transfer appropriated funds pursuant to paragraph (2) of such section to ensure the maintenance of such benefits.

“(4) On not less than a quarterly basis, the Secretary shall provide to the congressional defense committees a briefing on the defense commissary system, including—

“(A) an assessment of the savings the system provides patrons;

“(B) the status of implementing section 2484(i) of this title;

“(C) the status of implementing section 2484(j), including whether the system requires any appropriated funds pursuant to paragraph (2) of such section;

“(D) the status of carrying out a program for such system to sell private label merchandise; and

“(E) any other matters the Secretary considers appropriate.”.
(b) Authorization to Supplement Appropriations Through Business Optimization.—Section 2483(c) of such title is amended by adding at the end the following new sentence: “Such appropriated amounts may also be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title and the variable pricing program implemented pursuant to section 2484(i) of this title.”.

(c) Variable Pricing Pilot Program.—Section 2484 of such title is amended by adding at the end the following new subsections:

“(i) Variable Pricing Program.—(1) Notwithstanding subsection (e), and subject to subsection (k), the Secretary may establish a variable pricing program pursuant to which prices may be established in response to market conditions and customer demand, in accordance with the requirements of this subsection. Notwithstanding the amount of the uniform surcharge assessed in subsection (d), the Secretary may provide for an alternative surcharge of not more than five percent of sales proceeds under such variable pricing program to be made available for the purposes specified in subsection (h).
“(2) Subject to subsection (k), before establishing a variable pricing program under this subsection, the Secretary shall establish the following:

“(A) Specific, measurable benchmarks for success in the provision of high quality grocery merchandise, discount savings to patrons, and levels of customer satisfaction while achieving savings for the Department of Defense.

“(B) A baseline of overall savings to patrons achieved by commissary stores prior to the initiation of the variable pricing program, based on a comparison of prices charged by those stores on a regional basis with prices charged by relevant local competitors for a representative market basket of goods.

“(3) The Secretary shall ensure that the defense commissary system implements the variable pricing program by conducting price comparisons using the methodology established for paragraph (2)(B) and adjusting pricing as necessary to ensure that pricing in the variable pricing program achieves overall savings to patrons that are consistent with the baseline savings established for the relevant region pursuant to such paragraph.

“(j) CONVERSION TO NONAPPROPRIATED FUND ENTITY OR INSTRUMENTALITY.—(1) Subject to subsection (k), if the Secretary determines that the variable pricing
program has met the benchmarks for success established pursuant to paragraph (2)(A) of subsection (i) and the savings requirements established pursuant to paragraph (3) of such subsection over a period of at least six months, the Secretary may convert the defense commissary system to a nonappropriated fund entity or instrumentality, with operating expenses financed in whole or in part by receipts from the sale of products and the sale of services. Upon such conversion, appropriated funds shall be transferred to the defense commissary system only in accordance with paragraph (2) or section 2491 of this title. The requirements of section 2483 shall not apply to the defense commissary system operating as a nonappropriated fund entity or instrumentality.

“(2) If the Secretary determines that the defense commissary system operating as a nonappropriated fund entity or instrumentality is likely to incur a loss in any fiscal year as a result of compliance with the savings requirement established in subsection (i), the Secretary shall authorize a transfer of appropriated funds available for such purpose to the commissary system in an amount sufficient to offset the anticipated loss. Any funds so transferred shall be considered to be nonappropriated funds for such purpose.
“(3)(A) The Secretary of Defense may identify positions of employees in the defense commissary system who are paid with appropriated funds whose status may be converted to the status of an employee of a non-appropriated fund entity or instrumentality.

“(B) The status and conversion of employees in a position identified by the Secretary under subparagraph (A) shall be addressed as provided in section 2491(c) for employees in morale, welfare, and recreation programs, including with respect to requiring the consent of such employee to be so converted.

“(C) No individual who is an employee of the defense commissary system as of the date of the enactment of this subsection shall suffer any loss of or decrease in pay as a result of a conversion made under this paragraph.

“(k) OVERSIGHT REQUIRED TO ENSURE CONTINUED BENEFIT TO PATRONS.—(1) With respect to each action described in paragraph (2), the Secretary may not carry out such action until—

“(A) the Secretary provides to the congressional defense committees a briefing on such action, including a justification for such action; and

“(B) a period of 30 days has elapsed following such briefing.
“(2) The actions described in this paragraph are the following:

“(A) Establishing the representative market basket of goods pursuant to subsection (i)(2)(B).

“(B) Establishing the variable pricing program under subsection (i)(1).

“(C) Converting the defense commissary system to a nonappropriated fund entity or instrumentality under subsection (j)(1).”.

(d) Establishment of Common Business Practices.—Section 2487 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) Common Business Practices.—(1) Notwithstanding subsections (a) and (b), the Secretary of Defense may establish common business processes, practices, and systems—

“(A) to exploit synergies between the defense commissary system and the exchange system; and

“(B) to optimize the operations of the defense retail systems as a whole and the benefits provided by the commissaries and exchanges.
“(2) The Secretary may authorize the defense commissary system and the exchange system to enter into contracts or other agreements—

“(A) for products and services that are shared by the defense commissary system and the exchange system; and

“(B) for the acquisition of supplies, resale goods, and services on behalf of both the defense commissary system and the exchange system.

“(3) For the purpose of a contract or agreement authorized under paragraph (2), the Secretary may—

“(A) use funds appropriated pursuant to section 2483 of this title to reimburse a non-appropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the nonappropriated fund entity or instrumentality that is attributable to the defense commissary system; and

“(B) authorize the defense commissary system to accept reimbursement from a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the defense commissary system that is attributable to the nonappropriated fund entity or instrumentality.”.
(e) Authority for Expert Commercial Advice.—Section 2485 of such title is amended by adding at the end the following new subsection:

“(h) Expert Commercial Advice.—The Secretary of Defense may enter into a contract with an entity to obtain expert commercial advice, commercial assistance, or other similar services not otherwise carried out by the Defense Commissary Agency, to implement section 2481(c), subsections (i) and (j) of section 2484, and section 2487(c) of this title.”.

(f) Clarification of References to “the Exchange System”.—Section 2481(a) of title 10, United States Code, is amended by adding at the end the following new sentence: “Any reference in this chapter to ‘the exchange system’ shall be treated as referring to each separate administrative entity within the Department of Defense through which the Secretary of Defense has implemented the requirement under this subsection for a worldwide system of exchange stores.”.

(g) Operation of Defense Commissary System as a Nonappropriated Fund Entity.—In the event that the defense commissary system is converted to a nonappropriated fund entity or instrumentality as authorized by section 2484(j)(1) of title 10, United States Code, as
added by subsection (c) of this section, the Secretary may—

(1) provide for the transfer of commissary assets, including inventory and available funds, to the nonappropriated fund entity or instrumentality; and

(2) ensure that revenues accruing to the defense commissary system are appropriately credited to the nonappropriated fund entity or instrumentality.

(h) CONFORMING CHANGE.—Section 2643(b) of such title is amended by adding at the end the following new sentence: “Such appropriated funds may be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title.”.

Subtitle E—Travel and Transportation Allowances and Other Matters

SEC. 641. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAVEL EXPENSES OF MEMBERS OF THE RESERVES ATTENDING INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

Section 478a(c) of title 37, United States Code, is amended—
(1) by striking “The amount” and inserting the following: “(1) Except as provided by paragraph (2), the amount”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

“(A) resides—

“(i) in the same State as the training location; and

“(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and

“(B) is required to commute to a training location—

“(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or

“(ii) from a permanent residence located more than 75 miles from the training location.”.
SEC. 642. STATUTE OF LIMITATIONS ON DEPARTMENT OF DEFENSE RECOVERY OF AMOUNTS OWED TO THE UNITED STATES BY MEMBERS OF THE UNIFORMED SERVICES, INCLUDING RETIRED AND FORMER MEMBERS.

Section 1007(c)(3) of title 37, United States Code, is amended by adding at the end the following new subparagraphs:

“(C)(i) In accordance with clause (ii), if the indebtedness of a member of the uniformed services to the United States occurs, through no fault of the member, as a result of the overpayment of pay or allowances to the member or upon the settlement of the member’s accounts, the Secretary concerned may not recover the indebtedness from the member, including a retired or former member, using deductions from the pay of the member, deductions from retired or separation pay, or any other collection method unless recovery of the indebtedness commences before the end of the 10-year period beginning on the date on which the indebtedness was incurred.

“(ii) Clause (i) applies with respect to cases of indebtedness that incur on or after October 1, 2027.

“(D)(i) Not later than January 1 of each of years 2017 through 2027, the Director of the Defense Finance and Accounting Service shall review all cases occurring during the 10-year period prior to the date of the review.
of indebtedness of a member of the uniformed services, including a retired or former member, to the United States in which—

“(I) the recovery of the indebtedness commenced after the end of the 10-year period beginning on the date on which the indebtedness was incurred; or

“(II) the Director did not otherwise notify the member of such indebtedness during such 10-year period.

“(ii) The Director shall submit to the congressional defense committees and the Committees on Veterans’ Affairs of the House of Representatives and the Senate each review conducted under clause (i), including the amounts owed to the United States by the members included in such review.”.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Reform of TRICARE and Military Health System

SEC. 701. TRICARE PREFERRED AND OTHER TRICARE REFORM.

(a) Establishment.—
(1) TRICARE PREFERRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

§ 1075. TRICARE Preferred

“(a) ESTABLISHMENT.—(1) Not later than January 1, 2018, the Secretary of Defense shall establish a self-managed, preferred-provider network option under the TRICARE program. Such option shall be known as ‘TRICARE Preferred’.

“(2) The Secretary shall establish TRICARE Preferred in all areas. Under TRICARE Preferred, eligible beneficiaries will not have restrictions on the freedom of choice of the beneficiary with respect to health care providers.

“(b) ENROLLMENT ELIGIBILITY.—(1) The beneficiary categories for purposes of eligibility to enroll in TRICARE Preferred and cost sharing requirements applicable to such category are as follows:

“(A) An ‘active-duty family member’ category that consists of beneficiaries who are covered by section 1079 of this title (as dependents of active duty members).

“(B) A ‘retired’ category that consists of beneficiaries covered by subsection (c) of section 1086 of
this title, other than Medicare-eligible beneficiaries described in subsection (d)(2) of such section.

“(C) A ‘reserve and young adult’ category that consists of beneficiaries who are covered by—

“(i) section 1076d of this title;

“(ii) section 1076e; or

“(iii) section 1110b.

“(2) A covered beneficiary who elects to participate in TRICARE Preferred shall enroll in such option under section 1099 of this title.

“(c) COST-SHARING REQUIREMENTS.—The cost sharing requirements under TRICARE Preferred are as follows:

“(1) With respect to beneficiaries in the active-duty family member category or the retired category by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services on or after January 1, 2018, or by reason of being a dependent of such a member, the cost sharing requirements shall be calculated pursuant to subsection (d)(1).

“(2)(A) Except as provided by subsection (e), with respect to beneficiaries described in subparagraph (B) in the active-duty family member category or the retired category, the cost sharing require-
ments shall be calculated as if the beneficiary were enrolled in TRICARE Extra or TRICARE Standard as if TRICARE Extra or TRICARE Standard, as the case may be, were still being carried out by the Secretary.

“(B) Beneficiaries described in this subparagraph are beneficiaries who are eligible to enroll in the TRICARE program by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services before January 1, 2018, or by reason of being a dependent of such a member.

“(3) With respect to beneficiaries in the reserve and young adult category, the cost sharing requirements shall be calculated pursuant to subsection (d)(1) as if the beneficiary were in the active-duty family member category or the retired category, as applicable, except that the premiums calculated pursuant to sections 1076d, 1076e, or 1110b of this title, as the case may be, shall apply instead of any enrollment fee required under this section.

“(d) COST-SHARING AMOUNTS FOR CERTAIN BENEFICIARIES.—(1) Beneficiaries described in subsection (c)(1) enrolled in TRICARE Preferred shall be subject to cost-sharing requirements in accordance with the amounts
and percentages under the following table during calendar year 2018 and as such amounts are adjusted under paragraph (2) for subsequent years:

<table>
<thead>
<tr>
<th>“TRICARE Preferred”</th>
<th>Active-Duty Family Member (Individual/Family)</th>
<th>Retired (Individual/Family)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annual Enrollment</strong></td>
<td>$300 / $600</td>
<td>$425 / $850</td>
</tr>
<tr>
<td><strong>Annual deductible</strong></td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Annual catastrophic cap</strong></td>
<td>$1,000</td>
<td>$3,000</td>
</tr>
<tr>
<td><strong>Outpatient visit civilian network</strong></td>
<td>$15 primary care $25 specialty care Out of network: 20%</td>
<td>$25 primary care $40 specialty care 25% of out of network</td>
</tr>
<tr>
<td><strong>ER visit civilian network</strong></td>
<td>$40 network 20% out of network</td>
<td>$60 network</td>
</tr>
<tr>
<td><strong>Urgent care civilian network</strong></td>
<td>$20 network 20% out of network</td>
<td>$40 network 25% out of network</td>
</tr>
<tr>
<td><strong>Ambulatory surgery civilian network</strong></td>
<td>$40 network 20% out of network</td>
<td>$80 network 25% out of network</td>
</tr>
<tr>
<td><strong>Ambulance civilian network</strong></td>
<td>$15</td>
<td>$25</td>
</tr>
<tr>
<td><strong>Durable medical equipment civilian network</strong></td>
<td>10%</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Inpatient visit civilian network</strong></td>
<td>$60 per network admission 20% out of network</td>
<td>$125 per admission network 25% of network</td>
</tr>
<tr>
<td><strong>Inpatient skilled nursing/rehab civilian</strong></td>
<td>$20 per day network $50 per day out of network</td>
<td>$50 per day network</td>
</tr>
<tr>
<td></td>
<td>$300 per day or 20% of billed charges out of network</td>
<td></td>
</tr>
</tbody>
</table>

“(2) Each dollar amount expressed as a fixed dollar amount in the table set forth in paragraph (1), and the
amounts determined under subsection (e), shall be annu-
ally indexed to the amount by which retired pay is in-
creased under section 1401a of this title, rounded to the
next lower multiple of $1. The remaining amount above
such multiple of $1 shall be carried over to, and accumu-
lated with, the amount of the increase for the subsequent
year or years and made when the aggregate amount of
increases carried over under this clause for a year is $1
or more.

“(3) Enrollment fees, deductible amounts, and cata-
strophic caps under this section are on a calendar-year
basis.

“(e) EXCEPTIONS TO CERTAIN COST-SHARING
AMOUNTS FOR CERTAIN BENEFICIARIES ELIGIBLE PRIOR
to 2018.—(1) Subject to paragraph (3), and in accord-
ance with subsection (d)(2), the Secretary shall establish
an annual enrollment fee for beneficiaries described in
subsection (c)(2)(B) in the retired category who enroll in
TRICARE Preferred (other than such beneficiaries cov-
ered by paragraph (2)). Such enrollment fee shall be $100
for an individual and $200 for a family.

“(2) The enrollment fee established pursuant to para-
graph (1) for beneficiaries described in subsection
(c)(2)(B) in the retired category shall not apply with re-
spect to the following beneficiaries:
“(A) Retired members and the family members of such members covered by paragraph (1) of section 1086(c) of this title by reason of being retired under chapter 61 of this title or being a dependent of such a member.

“(B) Survivors covered by paragraph (2) of such section 1086(c).

“(3) The Secretary may not establish an annual enrollment fee under paragraph (1) until 90 days has elapsed following the date on which the Comptroller General of the United States is required to submit the review under paragraph (4).

“(4) Not later than February 1, 2020, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the following:

“(A) Whether health care coverage for covered beneficiaries has changed since the enactment of this section.

“(B) Whether covered beneficiaries are able to obtain appointments for health care according to the access standards established by the Secretary of Defense.

“(C) The percent of network providers that accept new patients under the TRICARE program.
“(D) The satisfaction of beneficiaries under TRICARE Preferred.

“(f) Publication of Measures.—As part of the administration of TRICARE Prime and TRICARE Preferred, the Secretary shall publish on a publically available Internet website of the Department of Defense data on all measures required by section 711 of the National Defense Authorization Act for Fiscal Year 2017. The published measures shall be updated not less frequently than quarterly.

“(g) Construction.—Nothing in this section may be construed as affecting the availability of TRICARE Prime and TRICARE for Life.

“(h) Definitions.—In this section, terms ‘active-duty family member category’, ‘retired category’, and ‘reserve and young adult category’ mean the respective categories of TRICARE Preferred enrollment described in subsection (b).”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by inserting after the item relating to section 1074n, the following new item:

“1075. TRICARE Preferred.”.

(b) TRICARE Prime Cost Sharing.—
(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1075, as added by subsection (a), the following new section:

“§ 1075a. TRICARE Prime: cost sharing

“(a) COST-SHARING REQUIREMENTS.—The cost sharing requirements under TRICARE Prime are as follows:

“(1) There are no cost-sharing requirements for beneficiaries who are covered by section 1074(a) of this title.

“(2) With respect to beneficiaries in the active-duty family member category or the retired category (as described in section 1075(b)(1) of this title) by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services on or after January 1, 2018, or by reason of being a dependent of such a member, the cost-sharing requirements shall be calculated pursuant to subsection (b)(1).

“(3)(A) With respect to beneficiaries described in subparagraph (B) in the active-duty family member category or the retired category (as described in section 1075(b)(1) of this title), the cost-sharing requirements shall be calculated in accordance with
the other provisions of this chapter without regard to subsection (b).

“(B) Beneficiaries described in this subparagraph are beneficiaries who are eligible to enroll in the TRICARE program by reason of being a member or former member of the uniformed services who originally enlists or is appointed in the uniformed services before January 1, 2018, or by reason of being a dependent of such a member.

“(b) COST-SHARING AMOUNTS.—(1) Beneficiaries described in subsection (a)(2) enrolled in TRICARE Prime shall be subject to cost-sharing requirements in accordance with the amounts and percentages under the following table during calendar year 2018 and as such amounts are adjusted under paragraph (2) for subsequent years:

<table>
<thead>
<tr>
<th>“TRICARE Prime”</th>
<th>Active-Duty Family Member (Individual/Family)</th>
<th>Retired (Individual/Family)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Enrollment</td>
<td>$180 / $360</td>
<td>$325 / $650</td>
</tr>
<tr>
<td>Annual deductible</td>
<td>No¹</td>
<td>No¹</td>
</tr>
<tr>
<td>Annual catastrophic cap</td>
<td>$1,000</td>
<td>$3,000 per family</td>
</tr>
<tr>
<td>Outpatient visit civilian network</td>
<td>$0 with authorization</td>
<td>$20 primary care</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$30 specialty care</td>
</tr>
<tr>
<td>ER visit civilian network</td>
<td>$0</td>
<td>$50 network</td>
</tr>
<tr>
<td>Urgent care civilian network</td>
<td>$0</td>
<td>$30 network</td>
</tr>
<tr>
<td>“TRICARE Prime”</td>
<td>Active-Duty Family Member (Individual/Family)</td>
<td>Retired (Individual/Family)</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Ambulatory surgery civilian network</td>
<td>$0 with authorization</td>
<td>$60 network with authorization</td>
</tr>
<tr>
<td>Ambulance civilian network</td>
<td>$0</td>
<td>$20</td>
</tr>
<tr>
<td>Durable medical equipment civilian network</td>
<td>$0 with authorization</td>
<td>20%</td>
</tr>
<tr>
<td>Inpatient visit civilian network</td>
<td>$0 with authorization</td>
<td>$100 network per admission with authorization</td>
</tr>
<tr>
<td>Inpatient skilled nursing/rehab civilian</td>
<td>$0 with authorization</td>
<td>$30 per day network with authorization</td>
</tr>
</tbody>
</table>

1: Deductibles and cost-sharing does apply to TRICARE Prime beneficiaries that seek care in the civilian network care through the point-of-service option (without a referral). Annual deductible is $300 individual and $600 family. Cost-sharing for covered inpatient and outpatient services are 50% of the TRICARE allowable charges.

1  “(2) Each dollar amount expressed as a fixed dollar amount in the table set forth in paragraph (1) shall be annually indexed to the amount by which retired pay is increased under section 1401a of this title, rounded to the next lower multiple of $1. The remaining amount above such multiple of $1 shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is $1 or more.

1  “(3) Enrollment fees, deductible amounts, and catastrophic caps under this section are on a calendar-year basis.”.
(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by inserting after the item relating to section 1075, as added by subsection (a), the following new item:

“1075a. TRICARE Prime: cost sharing.”.

(e) PORTABILITY.—Section 1073 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) PORTABILITY IN PROGRAM.—The Secretary of Defense shall ensure that the enrollment status of covered beneficiaries is portable between or among TRICARE program regions of the United States and that effective procedures are in place for automatic electronic transfer of information between or among contractors responsible for administration in such regions and prompt communication with such beneficiaries. Each covered beneficiary enrolled in TRICARE Prime who has relocated the beneficiary’s primary residence to a new area in which enrollment in TRICARE Prime is available shall be able to obtain a new primary health care manager or provider within 10 days of the relocation and associated request for such manager or provider.”.

(d) TERMINATION OF TRICARE STANDARD AND TRICARE EXTRA.—Beginning on January 1, 2018, the Secretary of Defense may not carry out TRICARE Stand-
ard and TRICARE Extra under the TRICARE program. The Secretary shall ensure that any individual who is covered under TRICARE Standard or TRICARE Extra as of December 31, 2017, enrolls in TRICARE Prime, TRICARE Preferred, or TRICARE for Life, as the case may be, as of January 1, 2018, for the individual to continue coverage under the TRICARE program.

(c) Implementation Plan.—

(1) In general.—Not later than June 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to improve access to health care for TRICARE beneficiaries pursuant to the amendments made by this section.

(2) Elements.—The plan under paragraph (1) shall—

(A) ensure that at least 85 percent of the beneficiary population under TRICARE Preferred is covered by the network by January 1, 2018;

(B) establish access standards for appointments for health care;

(C) establish mechanisms for monitoring compliance with access standards;
(D) establish health care provider-to-beneficiary ratios;

(E) monitor on a monthly basis complaints by beneficiaries with respect to network adequacy and the availability of health care providers;

(F) establish requirements for mechanisms to monitor the responses to complaints by beneficiaries;

(G) mechanisms to evaluate the quality metrics of the network providers established under section 711;

(H) any recommendations for legislative action the Secretary determines necessary to carry out the plan; and

(I) any other elements the Secretary determines appropriate.

(f) GAO Reviews.—

(1) Implementation Plan.—Not later than December 1, 2017, the Comptroller General of the United States shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the implementation plan of the Secretary under paragraph (1) of subsection (e), including an assessment of the adequacy of the plan
in meeting the elements specified in paragraph (2)
of such subsection.

(2) NETWORK.—Not later than September 1, 2017, the Comptroller General shall submit to the Committees on Armed Services of the House of Representatives and the Senate a review of the network established under TRICARE Extra, including the following:

(A) An identification of the percent of beneficiaries who are covered by the network.

(B) An assessment of the extent to which beneficiaries are able to obtain appointments under TRICARE extra.

(C) The percent of network providers under TRICARE Extra that accept new patients under the TRICARE program.

(D) An assessment of the satisfaction of beneficiaries under TRICARE Extra.

(g) DEFINITIONS.—In this section:

(1) The terms “uniformed services”, “covered beneficiary”, “TRICARE Extra”, “TRICARE for Life”, “TRICARE Prime”, and “TRICARE Standard” have the meaning given those terms in section 1072 of title 10, United States Code, as amended by subsection (h).
(2) The term “TRICARE Preferred” means the self-managed, preferred-provider network option under the TRICARE program established by section 1075 of such title, as added by subsection (a).

(h) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 10, United States Code, is amended as follows:

(A) Section 1072 is amended—

(i) by striking paragraph (7) and inserting the following:

“(7) The term ‘TRICARE program’ means the various programs carried out by the Secretary of Defense under this chapter and any other provision of law providing for the furnishing of medical and dental care and health benefits to members and former members of the uniformed services and their dependents, including the following health plan options:

“(A) TRICARE Prime.

“(B) TRICARE Preferred.

“(C) TRICARE for Life.”; and

(ii) by adding at the end the following new paragraphs:

“(11) The term ‘TRICARE Extra’ means the preferred provider option of the TRICARE program
made available prior to January 1, 2018, under which TRICARE Standard beneficiaries may obtain discounts on cost-sharing as a result of using TRICARE network providers.

“(12) The term ‘TRICARE Preferred’ the self-managed, preferred-provider network option under the TRICARE program established by section 1075 of this title.

“(13) The term ‘TRICARE for Life’ means the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of this title.

“(14) The term ‘TRICARE Prime’ means the managed care option of the TRICARE program.

“(15) The term ‘TRICARE Standard’ means the TRICARE program made available prior to January 1, 2018, covering—

“(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”.

(B) Section 1076d is amended—
(i) in subsection (d)(1), by inserting after “coverage.” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”; and

(ii) in subsection (f), by striking paragraph (2) and inserting the following new paragraph:

“(2) The term ‘TRICARE Reserve Select’ means the TRICARE Preferred self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).”; and

(iii) by striking “TRICARE Standard” each place it appears (including in the heading of such section) and inserting “TRICARE Reserve Select”.

(C) Section 1076e is amended—

(i) in subsection (d)(1), by inserting after “coverage.” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”; and
(ii) in subsection (f), by striking paragraph (2) and inserting the following new paragraph:

“(2) The term ‘TRICARE Retired Reserve’ means the TRICARE Preferred self-managed, preferred-provider network option under section 1075 made available to beneficiaries by reason of this section and in accordance with subsection (d)(1).”;

(iii) in subsection (b), by striking “TRICARE Standard coverage at” and inserting “TRICARE coverage at”; and

(iv) by striking “TRICARE Standard” each place it appears (including in the heading of such section) and inserting “TRICARE Retired Reserve”.

(D) Section 1079a is amended—

(i) in the section heading, by striking “CHAMPUS” and inserting “TRICARE program”; and

(ii) by striking “the Civilian Health and Medical Program of the Uniformed Services” and inserting “the TRICARE program”.

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(E) Section 1099(c) is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) A plan under the TRICARE program.”.

(F) Section 1110b(c)(1) is amended by inserting after “(b).” the following: “Such premium shall apply instead of any enrollment fees required under section 1075 of this section.”.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is further amended—

(A) in the item relating to section 1076d, by striking “TRICARE Standard” and inserting “TRICARE Reserve Select”;

(B) in the item relating to section 1076e, by striking “TRICARE Standard” and inserting “TRICARE Retired Reserve”; and

(C) in the item relating to section 1079a, by striking “CHAMPUS” and inserting “TRICARE program”.

(3) CONFORMING STYLE.—Any new language inserted or added to title 10, United States Code, by an amendment made by this subsection shall conform to the typeface and typestyle of the matter in which the language is so inserted or added.
(i) APPLICATION.—The amendments made by this section shall apply with respect to the provision of health care under the TRICARE program beginning on January 1, 2018.

SEC. 702. REFORM OF ADMINISTRATION OF THE DEFENSE HEALTH AGENCY AND MILITARY MEDICAL TREATMENT FACILITIES.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073b the following new section:

“§ 1073c. Administration of Defense Health Agency and military medical treatment facilities

“(a) Administration of Military Medical Treatment Facilities.—(1) Beginning October 1, 2018, the Director of the Defense Health Agency shall be responsible for the administration of each military medical treatment facility, including with respect to—

“(A) budgetary matters;

“(B) information technology;

“(C) health care administration and management;

“(D) administrative policy and procedure; and

“(E) any other matters the Secretary of Defense determines appropriate.
“(2) The commander of each military medical treatment facility shall be responsible for—

“(A) ensuring the readiness of the members of the armed forces and civilian employees at such facility; and

“(B) furnishing the health care and medical treatment provided at such facility.

“(3) The Secretary of Defense shall establish within the Defense Health Agency a professional staff serving in senior executive service positions to carry out this subsection. The Secretary may carry out this paragraph by appointing the positions specified in subsections (b) and (c).

“(b) DHA ASSISTANT DIRECTOR.—(1) The Secretary of Defense may establish in the Defense Health Agency an Assistant Director for Health Care Administration. If so established, the Assistant Director shall—

“(A) be a career appointee within the senior executive service of the Department; and

“(B) report directly to the Director of the Defense Health Agency.

“(2) If established under paragraph (1), the Assistant Director shall be appointed from among individuals who have equivalent education and experience as a chief
executive officer leading a large, civilian health care system.

“(3) If established under paragraph (1), the Assistant Director shall be responsible for the following:

“(A) Establishing priorities for health care administration and management.

“(B) Establishing policies and procedures for the provision of direct care at military medical treatment facilities.

“(C) Establishing priorities for budgeting matters with respect to the provision of direct care at military medical treatment facilities.

“(D) Establishing policies and procedures for clinic management and operations at military medical treatment facilities.

“(E) Establishing priorities for information technology at and between the military medical treatment facilities.

“(c) DHA DEPUTY ASSISTANT DIRECTORS.—(1)(A)

The Secretary of Defense may establish in the Defense Health Agency a Deputy Assistant Director for Information Operations.

“(B) If established under subparagraph (A), the Deputy Assistant Director for Information Operations shall be responsible for management and execution of information
technology operations at and between the military medical treatment facilities.

“(2)(A) The Secretary of Defense may establish in the Defense Health Agency a Deputy Assistant Director for Financial Operations.

“(B) If established under subparagraph (A), the Deputy Assistant Director for Financial Operations shall be responsible for the management and execution of budgeting matters and financial management with respect to the provision of direct care at military medical treatment facilities.

“(3)(A) The Secretary of Defense may establish in the Defense Health Agency a Deputy Assistant Director for Health Care Operations.

“(B) If established under subparagraph (A), the Deputy Assistant Director for Health Care Operations shall be responsible for the execution of health care administration and management in the military medical treatment facilities.

“(4)(A) The Secretary of Defense may establish in the Defense Health Agency a Deputy Assistant Director for Medical Affairs.

“(B) If established under subparagraph (A), the Deputy Assistant Director for Medical Affairs shall be responsible for the management and leadership of clinical quality
and process improvement, patient safety, infection control, graduate medical education, clinical integration, utilization review, risk management, patient experience, and civilian physician recruiting.

“(5) Each Deputy Assistant Director appointed under paragraphs (1) through (4) shall—

“(A) be a career appointee within the senior executive service of the Department; and

“(B) report directly to the Assistant Director for Health Care Administration.

“(d) DHA DEPUTY DIRECTOR.—(1) In addition to the other duties of the Joint Staff Surgeon, the Joint Staff Surgeon shall serve as the Deputy Director for Combat Support of the Defense Health Agency.

“(2) The responsibilities of the Deputy Director shall include the following:

“(A) Ensuring that the Defense Health Agency meets the operational needs of the commanders of the combatant commands.

“(B) Coordinating with the military departments to ensure that the staffing at the military medical treatment facilities support readiness requirements for members of the armed forces and health care personnel.
“(C) Serving as the link between the commanders of the combatant commands and the Defense Health Agency.

“(e) APPOINTMENTS.—In carrying out subsection (a)(3), including with respect to establishing positions under subsections (b) and (c), the Secretary shall make appointments under such subsections—

“(1) by not later than October 1, 2018; and

“(2) by not increasing the number of full-time equivalent employees of the Defense Health Agency.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘career appointee’ has the meaning given that term in section 3132(a)(4) of title 5.

“(2) The term ‘Defense Health Agency’ means the Defense Agency established pursuant to Department of Defense Directive 5136.13, or such successor Defense Agency.

“(3) The term ‘senior executive service’ has the meaning given that term in section 2101a of title 5.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073b the following new item:

“1073c. Administration of Defense Health Agency and military medical treatment facilities.”.
(b) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop a plan to implement section 1073c of title 10, United States Code, as added by subsection (a).

(2) **ELEMENTS.**—The plan developed under paragraph (1) shall include the following:

   (A) How the Secretary will carry out subsection (a) of such section 1073c.

   (B) Efforts to minimize potentially duplicative activities carried out by the elements of the Defense Health Agency.

   (C) Efforts to maximize efficiencies in the activities carried out by the Defense Health Agency.

   (D) How the Secretary will implement such section 1073 in a manner that does not increase the number of full-time equivalent employees of the headquarters activities of the military health system as of the date of the enactment of this Act.

(c) **REPORTS.**—

(1) **INTERIM REPORT.**—Not later than March 1, 2017, the Secretary shall submit to the congressional defense committees a report containing—
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(A) a preliminary draft of the plan developed under subsection (b)(1); and

(B) any recommendations for legislative actions the Secretary determines necessary to carry out the plan.

(2) Final Report.—Not later than March 1, 2018, the Secretary shall submit to the congressional defense committees a report containing the final version of the plan developed under subsection (b)(1).

(3) Comptroller General Reviews.—

(A) The Comptroller General of the United States shall submit to the congressional defense committees—

(i) a review of the preliminary draft of the plan submitted under paragraph (1) by not later than September 1, 2017; and

(ii) a review of the final version of the plan submitted under paragraph (2) by not later than September 1, 2018.

(B) Each review of the plan conducted under paragraph (A) shall determine whether the Secretary has addressed the required elements for the plan under subsection (b)(2).
SEC. 703. MILITARY MEDICAL TREATMENT FACILITIES.

(a) Administration.—

(1) In general.—Chapter 55 of title 10, United States Code, as amended by section 702, is further amended by inserting after section 1073c the following new section:

“§ 1073d. Military medical treatment facilities

“(a) In general.—To support the medical readiness of the armed forces and the readiness of medical personnel, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall maintain the military medical treatment facilities described in subsections (b), (c), and (d).

“(b) Medical centers.—(1) The Secretary of Defense shall maintain medical centers in areas with a large population of members of the armed forces and covered beneficiaries.

“(2) Medical centers shall serve as referral facilities for members and covered beneficiaries who require comprehensive health care services that support medical readiness.

“(3) Medical centers shall consist of the following:

“(4) Inpatient and outpatient tertiary care facilities that incorporate specialty and subspecialty care.

“(5) Graduate medical education programs.
“(6) Residency training programs.

“(7) Level one or level two trauma care capabilities.

“(c) HOSPITALS.—(1) The Secretary of Defense shall maintain hospitals in areas where civilian health care facilities are unable to support the health care needs of members of the armed forces and covered beneficiaries.

“(2) Hospitals shall provide—

“(A) inpatient and outpatient health services to maintain medical readiness; and

“(B) such other programs and functions as the Secretary determines appropriate.

“(3) Hospitals shall consist of inpatient and outpatient care facilities with limited specialty care that the Secretary determines—

“(A) is cost effective; or

“(B) is not available at civilian health care facilities in the area of the hospital.

“(d) AMBULATORY CARE CENTERS.—(1) The Secretary of Defense shall maintain ambulatory care centers in areas where civilian health care facilities are able to support the health care needs of members of the armed forces and covered beneficiaries.

“(2) Ambulatory care centers shall provide the outpatient health services required to maintain medical readi-
ness, including with respect to partnerships established pursuant to section 707 of the National Defense Authorization Act for Fiscal Year 2017.

“(3) Ambulatory care centers shall consist of outpatient care facilities with limited specialty care that the Secretary determines—

“(A) is cost effective; or

“(B) is not available at civilian health care facilities in the area of the ambulatory care center.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 702, is further amended by inserting after the item relating to section 1073c the following new item:

“1073d. Military medical treatment facilities.”.

(b) UPDATE OF STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in collaboration with the Secretaries of the military departments, shall update the report described in paragraph (2) to address the restructuring or realignment of military medical treatment facilities pursuant to section 1073d of title 10, United States Code, as added by subsection (a), including with respect to any expansions or consolidations of such facilities.

(2) REPORT DESCRIBED.—The report described in this paragraph is the Military Health System

(3) SUBMISSION.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the updated report under paragraph (1).

(c) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an implementation plan to restructure or realign the military medical treatment facilities pursuant to section 1073d of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The implementation plan under paragraph (1) shall include the following:

(A) With respect to each military medical treatment facility—

(i) whether the facility will be realigned or restructured under the plan;
(ii) whether the functions of such facility will be expanded or consolidated;

(iii) the costs of such realignment or restructuring;

(iv) a description of any changes to the military and civilian personnel assigned to such facility as of the date of the plan;

(v) a timeline for such realignment or restructuring; and

(vi) the justifications for such realignment or restructuring, including an assessment of the capacity of the civilian health care facilities located near such facility.

(B) A description of the relocation of the graduate medical education programs and the residency programs.

SEC. 704. ACCESS TO URGENT CARE UNDER TRICARE PROGRAM.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

"§ 1077a. Access to military medical treatment facilities and other facilities

"(a) URGENT CARE.—(1) Beginning not later than one year after the date of the enactment of this section,
the Secretary of Defense shall ensure that military medical
treatment facilities, at locations the Secretary determines
appropriate, provide urgent care services for members of
the armed forces and covered beneficiaries until 11:00 p.m
each day.

“(2) With respect to areas in which a military med-
ical treatment facility covered by paragraph (1) is not lo-
cated, the Secretary shall ensure that members of the
armed forces and covered beneficiaries may access urgent
care clinics that are open during the hours specified in
such paragraph through the health care provider network
under the TRICARE program.

“(3) A covered beneficiary may access urgent care
services without the need for preauthorization for such
services.

“(4) The Secretary shall—

“(A) publish information about changes in ac-
cess to urgent care under the TRICARE program—
“(i) on the primary publicly available
Internet website of the Department; and

“(ii) on the primary publicly available
website of each military treatment facility; and

“(B) ensure that such information is made
available on the publically available Internet website
of each current managed care contractor that has
established a health care provider network under the TRICARE program.

“(b) Nurse Advice Line.—The Secretary shall ensure that the nurse advice line of the Department directs covered beneficiaries seeking access to care to the source of the most appropriate level of health care required to treat the medical conditions of the beneficiaries, including urgent care services described in subsection (a).”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Access to military medical treatment facilities and other facilities”.

SEC. 705. ACCESS TO PRIMARY CARE CLINICS AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) In General.—Section 1077a of title 10, United States Code, as added by section 704, is amended by adding at the end the following new subsection:

“(c) Primary Care Clinics.—(1) The Secretary shall ensure that primary care clinics at military medical treatment facilities are available for members of the armed forces and covered beneficiaries between the hours determined appropriate under paragraph (2), including with respect to expanded hours described in subparagraph (B) of such paragraph.
“(2)(A) The Secretary shall determine the hours that each primary care clinic at a military medical treatment facility is available for members of the armed forces and covered beneficiaries based on—

“(i) the needs of the military treatment facility to meet the access standards under the TRICARE Prime program; and

“(ii) the primary care usage patterns of members and covered beneficiaries at such military medical treatment facility.

“(B) The primary care clinic hours at a military medical treatment facility determined under subparagraph (A) shall include expanded hours beyond regular business hours during weekdays and the weekend if the Secretary determines under such subparagraph that sufficient demand exists at the military medical treatment facility for such expanded primary care clinic hours.”.

(b) IMPLEMENTATION.—The Secretary of Defense shall implement subsection (c) of section 1077a of title 10, United States Code, as added by subsection (a), by not later than 180 days after the date of the enactment of this Act.
SEC. 706. INCENTIVES FOR VALUE-BASED HEALTH UNDER TRICARE PROGRAM.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1095g the following new section:

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§ 1095h. TRICARE program: value-based health care

(a) In General.—The Secretary of Defense may develop and implement value-based incentive programs as part of any contract awarded under this chapter for the provision of health care services to covered beneficiaries to encourage health care providers under the TRICARE program (including physicians, hospitals, and other persons and facilities involved in providing such health care services) to improve the following:

(1) The quality of health care provided to covered beneficiaries under the TRICARE program.

(2) The experience of covered beneficiaries in receiving health care under the TRICARE program.

(3) The health of covered beneficiaries.

(b) Value-Based Incentive Programs.—(1) In developing value-based incentive programs under subsection (a), the Secretary shall—

(A) link payments to health care providers under the TRICARE program to improved performance with respect to quality, cost, and reducing the provision of inappropriate care;
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“(B) consider the characteristics of the population of covered beneficiaries affected by the value-based incentive program;

“(C) consider how the value-based incentive program would affect the receipt of health care under the TRICARE program by such covered beneficiaries;

“(D) establish or maintain an assurance that such covered beneficiaries will have timely access to health care during the operation of the value-based incentive program;

“(E) ensure that such covered beneficiaries do not incur any additional costs by reason of the value-based incentive program; and

“(F) consider such other factors as the Secretary considers appropriate.

“(2) With respect to a value-based incentive program developed and implemented under subsection (a), the Secretary shall ensure that—

“(A) the size, scope, and duration of the value-based incentive program is reasonable in relation to the purpose of the value-based incentive program; and

“(B) the value-based incentive program relies on the core quality performance metrics pursuant to

“(c) USE OF EXISTING MODELS.—In developing a value-based incentive program under subsection (a), the Secretary may adapt a value-based incentive program conducted by a TRICARE managed care support contractor, the Centers for Medicare & Medicaid Services, or any other governmental or commercial health care program.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095g the following new item:

“1095h. TRICARE program: value-based health care.”.

(c) BRIEFINGS.—

(1) PRIOR TO CERTAIN CONTRACT MODIFICATIONS.—Not later than 60 days before the date on which the Secretary of Defense modifies a contract awarded under chapter 55 of title 10, United States Code, to implement a value-based incentive program under section 1095h of such title, as added by subsection (a), the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate (and any other appropriate congressional committee upon request) a briefing on any implementation plan of the Secretary
with respect to such a value-based incentive program.

(2) **Annual Briefing.**—Not later than one year after the date of the enactment of this Act, and annually thereafter through 2022, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate (and any other appropriate congressional committee upon request) a briefing on the quality performance metrics and expenditures relating to a value-based incentive program developed and implemented under section 1095h of title 10, United States Code, as added by subsection (a).

(3) **Appropriate Congressional Committees.**—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees;

and

(B) the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.
SEC. 707. IMPROVEMENTS TO MILITARY-CIVILIAN PARTNERSHIPS TO INCREASE ACCESS TO HEALTH CARE AND READINESS.

(a) PARTNERSHIP AGREEMENTS.—Subsection (a) of section 1096 of title 10, United States Code, is amended to read as follows:

“(a) PARTNERSHIP AGREEMENTS.—The Secretary of Defense may enter into a partnership agreement between facilities of the uniformed services and local or regional health care systems if the Secretary determines that such an agreement would—

“(1) result in the delivery of health care to which covered beneficiaries are entitled under this chapter in a more effective, efficient, or economical manner; or

“(2) provide members of the armed forces with additional training opportunities to maintain readiness requirements.”.

(b) IN GENERAL.—Such section 1096 is further amended—

(1) by redesignating subsections (c) and (d) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsections:

“(c) CRITERIA.—In entering into an agreement under subsection (a) between a facility of the uniformed
services and a local or regional health care system, the
Secretary shall—

“(1) identify and analyze—

“(A) the health care delivery options provided by the local or regional health care system; and

“(B) the health care services provided by the facility;

“(2) assess—

“(A) how such agreement affects the delivery of health care at the facility and the readiness of the members of the uniformed services;

“(B) the viability of the agreement with respect to succeeding on a long-term basis in the local community of the facility; and

“(C) the cost efficiency and effectiveness of the agreement; and

“(3) consult with—

“(A) the Secretary concerned;

“(B) representatives from such facility, including the leadership of the installation at which the facility is located, the leadership of the facility, and covered beneficiaries at such installation;
“(C) the TRICARE managed care support contractor with responsibility for such facility;

“(D) officials of the Federal, State, and local governments, as appropriate; and

“(E) representatives from the local or regional health care system.

“(d) LOCAL CONSORTIUM.—The Secretary shall ensure that an agreement entered into under subsection (a) between a facility of the uniformed services and a local or regional health care system is developed by a consortium representing the community of the facility and such health care system.

“(e) BIENNIAL EVALUATION.—The Secretary of Defense shall evaluate each agreement entered into under subsection (a) on a biennial basis to—

“(1) assess whether the agreement provides increased access to health care for covered beneficiaries;

“(2) assess the training opportunities to maintain readiness requirements provided pursuant to such agreement; and

“(3) determine whether such agreement should continue.”.

(c) REMOVAL OF REIMBURSEMENT LIMIT FOR LICENSING FEES.—Subsection (g) of such section 1096, as
redesignated by subsection (a), is amended by striking “up to $500 of”.

SEC. 708. JOINT TRAUMA SYSTEM.

(a) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to establish a Joint Trauma System within the Defense Health Agency that promotes improved trauma care to members of the Armed Forces and other individuals who are eligible to be treated for trauma at a military medical treatment facility.

(2) IMPLEMENTATION.—The Secretary shall implement the plan under paragraph (1) after a 90-day period has elapsed following the date on which the Comptroller General of the United States is required to submit to the Committees on Armed Services of the House of Representatives and the Senate the review under subsection (c). In implementing such plan, the Secretary shall take into account any recommendation made by the Comptroller General under such review.
(b) ELEMENTS.—The Joint Trauma System described in subsection (a)(1) shall include the following elements:

(1) Serve as the reference body for all trauma care provided across the military health system.

(2) Establish standards of care for trauma services provided at military medical treatment facilities.

(3) Coordinate the translation of research from the centers of excellence of the Department of Defense into standards of clinical trauma care.

(4) Coordinate the incorporation of lessons learned from the trauma education and training partnerships pursuant to section 709 into clinical practice.

(e) REVIEW.—Not later than 120 days after the date on which the Secretary submits to the Committees on Armed Services of the House of Representatives and the Senate the implementation plan under subsection (a)(1), the Comptroller General of the United States shall submit to such committees a review of such plan to determine if each element under subsection (b) is included in such plan.

(d) REVIEW OF MILITARY TRAUMA SYSTEM.—In establishing a Joint Trauma System, the Secretary of De-
fense may seek to enter into an agreement with a non-
governmental entity with subject matter experts to—

(1) conduct a system-wide review of the military
trauma system; and

(2) make publicly available a report containing
such review and recommendations to establish a
comprehensive trauma system for the Armed Forces.

SEC. 709. JOINT TRAUMA EDUCATION AND TRAINING DI-
RECTORATE.

(a) Establishment.—The Secretary of Defense
shall establish a Joint Trauma Education and Training
Directorate (in this section referred to as the “Direc-
torate”) to ensure that the traumatologists of the Armed
Forces maintain readiness and are able to be rapidly de-
ployed for future armed conflicts. The Secretary shall
carry out this section in collaboration with the Secretaries
of the military departments.

(b) Duties.—The duties of the Directorate are as
follows:

(1) To enter into and coordinate the partner-
ships under subsection (c).

(2) To establish the goals of such partnerships
necessary for trauma combat casualty care teams led
by traumatologists to maintain professional com-
petency in trauma care.
(3) To establish metrics for measuring the performance of such partnerships in achieving such goals.

(4) To develop methods of data collection and analysis for carrying out paragraph (3).

(5) To communicate and coordinate lessons learned from such partnerships with the Joint Trauma System established under section 708.

(e) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary shall enter into partnerships with civilian academic medical centers and large metropolitan teaching hospitals that have level I civilian trauma centers.

(2) TRAUMA COMBAT CASUALTY CARE TEAMS.—Under the partnerships entered into with civilian academic medical centers and large metropolitan teaching hospitals under paragraph (1), trauma combat casualty care teams of the Armed Forces led by traumatologists of the Armed Forces shall embed within the trauma centers of the medical centers and hospitals on an enduring basis.

(3) SELECTION.—The Secretary shall select civilian academic medical centers and large metropolitan teaching hospitals to enter into partnerships under paragraph (1) based on patient volume, acu-
ity, and other factors the Secretary determines necessary to ensure that the traumatologists of the Armed Forces and the associated clinical support teams have adequate and continuous exposure to critically injured patients.

(4) **CONSIDERATION.**—In entering into partnerships under paragraph (1), the Secretary may consider the experiences and lessons learned by the military departments that have entered into memoranda of understanding with civilian medical centers for trauma care.

(d) **ANALYSIS.**—The Secretary of Defense shall conduct an analysis to determine the number of traumatologists of the Armed Forces, by specialty, that must be maintained within the Department of Defense to meet the requirements of the combatant commands.

(e) **IMPLEMENTATION PLAN.**—Not later than July 1, 2017, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for establishing the Joint Trauma Education and Training Directorate under subsection (a) and entering into partnerships under subsection (e).

(f) **LEVEL I CIVILIAN TRAUMA CENTER DEFINED.**—In this section, the term “level I civilian trauma center”
means a comprehensive regional resource that is a tertiary
care facility central to the trauma system and is capable
of providing total care for every aspect of injury from pre-
vention through rehabilitation.

SEC. 710. IMPROVEMENTS TO ACCESS TO HEALTH CARE IN
MILITARY MEDICAL TREATMENT FACILITIES.

(a) First Call Resolution.—

(1) In general.—The Secretary of Defense
shall implement standard processes to ensure that,
in the case of a beneficiary contacting a military
medical treatment facility over the telephone for, at
a minimum, scheduling an appointment, requesting
a prescription drug refill, and other matters deter-
dined appropriate by the Secretary, the needs of the
beneficiary are met during the first such telephone
call.

(2) Metrics.—The Secretary shall—

(A) develop metrics, collect data, and
evaluate the performance of the processes im-
plemented under paragraph (1); and

(B) carry out satisfaction surveys to mon-
itor the satisfaction of beneficiaries with such
processes, including with respect to the satisfac-
tion regarding access to appointments and pa-
tient care.
(b) APPOINTMENT SCHEDULING.—

(1) IN GENERAL.—The Secretary shall implement standard processes to schedule beneficiaries for appointments at military medical treatment facilities.

(2) ELEMENTS.—The standard processes implemented under paragraph (1) shall include the following:

(A) Requiring clinics at military medical treatment facilities to allow a beneficiary to schedule an appointment for wellness visits or follow-up appointments during the six-month or longer period beginning on the date of the request for the appointment.

(B) A process to remind a beneficiary of future appointments in a manner that the beneficiary prefers, which may include sending postcards to the beneficiary prior to appointments and making reminder telephone calls, emails, or cellular text messages to the beneficiary at specified intervals prior to appointments.

(c) APPOINTMENT SUPPLY AND DEMAND.—

(1) PRODUCTIVITY.—The Secretary shall implement standards for the productivity of health care providers at military medical treatment facilities. In
developing such standards, the Secretary shall consider civilian benchmarks for measuring the productivity of health care providers, the optimal number of appointments (patient contact hours) required to maintain access according to the standards developed by the Secretary, and readiness requirements.

(2) MANAGING USE OF FACE-TO-FACE APPOINTMENTS.—The Secretary shall implement strategies for managing the use of face-to-face appointments at military medical treatment facilities. Such strategies may include—

(A) maximizing the use of telehealth and virtual appointments for beneficiaries at the discretion of the health care provider and the beneficiary;

(B) the implementation of remote patient monitoring of chronic conditions to improve outcomes and reduce the number of follow-up appointments for beneficiaries; and

(C) maximizing the use of secure messaging between health care providers and beneficiaries to improve the access of beneficiaries to health care and reduce the number of visits for health care needs.
(d) IMPLEMENTATION.—The Secretary shall implement subsections (a), (b), and (c) by not later than February 1, 2017.

(e) BRIEFING.—Not later than March 1, 2017, the Secretary shall provide the Committees on Armed Services of the House of Representatives and the Senate a briefing on the implementation of subsections (a), (b), and (c).

(f) BENEFICIARIES DEFINED.—In this section, the term “beneficiaries” means members of the Armed Forces and covered beneficiaries (as defined in section 1072(5) of title 10, United States Code).

SEC. 711. ADOPTION OF CORE QUALITY PERFORMANCE METRICS.

(a) ADOPTION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall adopt the core quality performance metrics agreed upon by the Core Quality Measures Collaborative for use by the military health system and in contracts awarded to carry out the TRICARE program.

(2) CORE MEASURES.—The core quality performance metrics described in paragraph (1) shall include the following sets:
(A) Accountable care organizations, patient centered medical homes and primary care.

(B) Cardiology.

(C) Gastroenterology.

(D) HIV and hepatitis C.

(E) Medical oncology.

(F) Obstetrics and gynecology.

(G) Orthopedics.

(b) DEFINITIONS.—In this section:

(1) The term “Core Quality Measures Collaborative” means the collaboration between the Centers for Medicare & Medicaid Services, major health insurance companies, national physician organizations, and other entities to reach consensus on core performance measures reported by health care providers.

(2) The term “TRICARE program” has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 712. STUDY ON IMPROVING CONTINUITY OF HEALTH CARE COVERAGE FOR RESERVE COMPONENTS.

(a) STUDY.—The Secretary of Defense shall conduct a study of options for providing health care coverage that improves the continuity of health care provided to current
and former members of the Selected Reserve of the Ready Reserve who are not—

(1) serving on active duty;

(2) eligible for the Transitional Assistance Management Program under section 1145 of title 10, United States Code; or

(3) eligible for the Federal Employees Health Benefit Program under chapter 89 of title 5.

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) Whether to allow current and former members of the Selected Reserve to participate in the Federal Employees Health Benefit Program under chapter 89 of title 5.

(2) Whether to pay a stipend to current and former members to continue coverage in a health plan obtained by the member.

(3) Whether to allow current and former members to participate in the TRICARE program under section 1076d of title 10, United States Code.

(4) Whether to allow members of the National Guard assigned to Homeland Response Force Units mobilized for a State emergency pursuant to chapter 9 of title 32, United States Code, to remain eligible for the TRICARE program.
(5) Any other options for providing health care coverage to current and former members of the Selected Reserve the Secretary considers appropriate.

(c) CONSULTATION.—In carrying out the study under subsection (a), the Secretary shall consult with, and obtain the opinions of, current and former members of the Selected Reserve, including the leadership of the Selected Reserve.

(d) SUBMISSION.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A description of the health care coverage options addressed by the Secretary under subsection (b).

(B) Identification of such health care coverage option that the Secretary recommends as the best option.

(C) The justifications for such recommended best option.

(D) The number and proportion of the current and former members of the Selected Re-
serve projected to participate in such recommended best option.

(E) A determination of the appropriate cost sharing for such recommended best option with respect to the percentage contribution as a monthly premium for current members of the Selected Reserve.

(F) An estimate of the cost of implementing such recommended best option.

(G) Any legislative language required to implement such recommended best option.

Subtitle B—Other Health Care Benefits

SEC. 721. PROVISION OF HEARING AIDS TO DEPENDENTS OF RETIRED MEMBERS.

Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a)(16), by striking “A hearing aid” and inserting “Except as provided by subsection (g), a hearing aid”; and

(2) by adding at the end the following new subsection:

“(g) In addition to the authority to provide a hearing aid under subsection (a)(16), hearing aids may be sold
under this section to dependents of former members of
the uniformed services at cost to the United States.’’.

SEC. 722. EXTENDED TRICARE PROGRAM COVERAGE FOR
CERTAIN MEMBERS OF THE NATIONAL
GUARD AND DEPENDENTS DURING CERTAIN
DISASTER RESPONSE DUTY.

(a) IN GENERAL.—Chapter 55 of title 10, United
States Code, is amended by inserting after section 1076e
the following new section:

“§ 1076f. TRICARE program: extension of coverage
for certain members of the National
Guard and dependents during certain
disaster response duty

“(a) EXTENDED COVERAGE.—During a period in
which a member of the National Guard is performing dis-
aster response duty, the member shall be treated as being
on active duty for a period of more than 30 days for pur-
poses of the eligibility of the member and dependents of
the member for health care benefits under the TRICARE
program if such period immediately follows a period in
which the member served on full-time National Guard
duty under section 502(f) of title 32, including pursuant
to chapter 9 of such title, unless the Governor of the State
(or, with respect to the District of Columbia, the mayor
of the District of Columbia) determines that such ex-
tended eligibility is not in the best interest of the member
or the State.

“(b) CONTRIBUTION BY STATE.—(1) The Secretary
may charge a State for the costs of providing coverage
under the TRICARE program to members of the National
Guard of the State and the dependents of the members
pursuant to subsection (a). Such charges shall be paid
from the funds of the State or from any other non-Federal
funds.

“(2) Any amounts received by the Secretary under
paragraph (1) shall be credited to the appropriation avail-
able for the Defense Health Program Account under sec-
tion 1100 of this title, shall be merged with sums in such
Account that are available for the fiscal year in which col-
lected, and shall be available under subsection (b) of such
section, including to carry out subsection (a) of this sec-
tion.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘disaster response duty’ means
duty performed by a member of the National Guard
in State status pursuant to an emergency declar-
ation by the Governor of the State (or, with respect
to the District of Columbia, the mayor of the Dis-
trict of Columbia) in response to a disaster or in
preparation for an imminent disaster.
“(2) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076e the following new item:

“1076f. TRICARE program: extension of coverage for certain members of the National Guard and dependents during certain disaster response duty.”.

Subtitle C—Health Care Administration

SEC. 731. PROSPECTIVE PAYMENT OF FUNDS NECESSARY TO PROVIDE MEDICAL CARE FOR THE COAST GUARD.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“§ 519. Prospective payment of funds necessary to provide medical care

“(a) PROSPECTIVE PAYMENT REQUIRED.—In lieu of the reimbursement required under section 1085 of title 10, the Secretary of Homeland Security shall make a prospective payment to the Secretary of Defense of an amount that represents the actuarial valuation of treatment or care—
“(1) that the Department of Defense shall provide to members of the Coast Guard, former members of the Coast Guard, and dependents of such members and former members (other than former members and dependents of former members who are a Medicare-eligible beneficiary or for whom the payment for treatment or care is made from the Medicare-Eligible Retiree Health Care Fund) at facilities under the jurisdiction of the Department of Defense or a military department; and

“(2) for which a reimbursement would otherwise be made under section 1085.

“(b) AMOUNT.—The amount of the prospective payment under subsection (a) shall be—

“(1) in the case of treatment or care to be provided to members of the Coast Guard and their dependents, derived from amounts appropriated for the operating expenses of the Coast Guard;

“(2) in the case of treatment or care to be provided former members of the Coast Guard and their dependents, derived from amounts appropriated for retired pay;

“(3) determined under procedures established by the Secretary of Defense;
“(4) paid during the fiscal year in which treatment or care is provided; and

“(5) subject to adjustment or reconciliation as the Secretaries determine appropriate during or promptly after such fiscal year in cases in which the prospective payment is determined excessive or insufficient based on the services actually provided.

“(c) NO PROSPECTIVE PAYMENT WHEN SERVICE IN NAVY.—No prospective payment shall be made under this section for any period during which the Coast Guard operates as a service in the Navy.

“(d) RELATIONSHIP TO TRICARE.—This section shall not be construed to require a payment for, or the prospective payment of an amount that represents the value of, treatment or care provided under any TRICARE program.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“519. Prospective payment of funds necessary to provide medical care.”.

(e) REPEAL.—Section 217 of the Coast Guard Authorization Act of 2016 (Public Law 114–120), as amended by section 3504, and the item relating to that section in the table of contents in section 2 of such Act, are repealed.
Subtitle D—Reports and Other Matters

SEC. 741. MENTAL HEALTH RESOURCES FOR MEMBERS OF THE MILITARY SERVICES AT HIGH RISK OF SUICIDE.

(a) In General.—The Secretary of Defense shall develop a methodology that identifies which members of the military services are at high risk of suicide.

(b) Mental Health Resources.—

(1) High risk members of the military services.—The Secretary of Defense shall use the results under subsection (c) to—

(A) identify which units have a disproportionately high rate of suicide and suicide attempts; and

(B) provide additional preventative and treatment resources for mental health for members of the military services who were deployed with the units identified under subparagraph (A).

(2) Preventative mental health care.—

The Secretary of Defense shall use the results under subsection (c) to—

(A) identify the circumstances of deployments associated with increased vulnerability to
suicide, including the length of deployment, the region and area of deployment, and the nature and extent to which there was contact with enemy forces; and

(B) provide additional preventative mental health care to units who currently are, or will be, deployed under circumstances similar to those of subparagraph (A).

(e) METHODOLOGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a methodology to assess the rate of suicide and suicide attempts of members of the military services of units that have been deployed in support of a contingency operation after September 11, 2001.

(d) REPORTS.—Not later than September 30, 2017, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the activities carried out under this section and the effectiveness of such activities.

(e) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to the provisions of this section may be used by officers, employees, and contractors of the Department of Defense only for the
purposes of, and to the extent necessary in, carrying out
this section.

(f) MILITARY SERVICES DEFINED.—In this section, the term “military services” means the Army, Navy, Air Force, and the Marine Corps, including the reserve components thereof.

SEC. 742. RESEARCH OF CHRONIC TRAUMATIC ENCEPHALOPATHY.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advanced development for research, development, test, and evaluation for the Defense Health Program, not more than $25,000,000 may be used to award grants to medical researchers and universities to support research into early detection of chronic traumatic encephalopathy.

SEC. 743. ACTIVE OSCILLATING NEGATIVE PRESSURE TREATMENT.

In furnishing health care and medical treatment to members of the Armed Forces who have incurred injuries from improvised explosive devices and other blast-related events, the Secretary of Defense shall consider using non-invasive technologies that increase blood flow to areas of reduced circulation, including through the use of active oscillating negative pressure treatment.
SEC. 744. LONG-TERM STUDY ON HEALTH OF HELICOPTER AND TILTROTOR PILOTS.

(a) Study Required.—The Secretary of Defense shall carry out a long-term study of career helicopter and tiltrotor pilots to assess potential links between the operation of helicopter and tiltrotor aircraft and acute and chronic medical conditions experienced by such pilots.

(b) Elements.—The study under subsection (a) shall include the following:

(1) A study of career helicopter and tiltrotor pilots compared to a control population that—

(A) takes into account the amount of time such pilots operated aircraft;

(B) examines the severity and rates of acute and chronic injuries experienced by such pilots; and

(C) determines whether such pilots experience a higher degree of acute and chronic medical conditions than the control population.

(2) If a higher degree of acute and chronic medical conditions is observed among such pilots, an explanation of—

(A) the specific causes of the conditions (such as whole body vibration, seat and cockpit ergonomics, landing loads, hard impacts, and pilot-worn gear); and
any costs associated with treating the conditions if the causes are not mitigated.

(3) A review of relevant scientific literature and prior research.

(4) Such other information as the Secretary determines to be appropriate.

(e) DURATION.—The duration of the study under subsection (a) shall be not more than 2 years.

(d) BRIEFING.—Not later than June 6, 2017, the Secretary shall provide to the Committees on Armed Services of the Senate and House of Representatives (and other congressional defense committees on request) a briefing on the progress of the Secretary in carrying out the study under subsection (a).

SEC. 745. PILOT PROGRAM FOR PRESCRIPTION DRUG ACQUISITION COST PARITY IN THE TRICARE PHARMACY BENEFITS PROGRAM.

(a) AUTHORITY TO ESTABLISH PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program to evaluate whether, in carrying out the TRICARE pharmacy benefits program under section 1074g of title 10, United States Code, extending additional discounts for prescription drugs filled at retail pharmacies will maintain or reduce prescription drug costs for the Department of Defense.
(b) ELEMENTS OF PILOT PROGRAM.—In carrying out the pilot program under subsection (a), the Secretary shall require that for prescription medications, including but not limited to non-generic maintenance medications, that are dispensed to retired TRICARE beneficiaries that are not Medicare eligible, through any TRICARE participating retail pharmacy, manufacturers shall pay rebates such that those medications are available to the Department at the lowest rate available. In addition to utilizing the authority under section 1074g(f) of title 10, United States Code, the Secretary shall have the authority to enter into a purchase blanket agreement with prescription drug manufactures for supplemental discounts for prescription drugs dispensed in the pilot to be paid in the form of manufactures rebates.

(e) CONSULTATION.—The Secretary shall develop the pilot program in consultation with—

(1) the Secretaries of the military departments, including Army, Navy and Air Force;

(2) the Chief, Pharmacy Operations Division, of the Defense Health Agency; and

(3) stakeholders, including TRICARE beneficiaries and retail pharmacies.

(d) DURATION OF PILOT PROGRAM.—If the Secretary carries out the pilot program under subsection (a),
the Secretary shall commence such pilot program no later than October 1, 2017, and may terminate such program no later than September 30, 2018.

(e) REPORTS.—If the Secretary carries out the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees, including the House and Senate Committees on Armed Services, reports on the pilot program as follows:

(1) Not later than 90 days after the date of the enactment of this Act, a report containing an implementation plan for the pilot program.

(2) Not later than 180 days after the date on which the pilot program commences, an interim report on the pilot program.

(3) Not later than 90 days after the date on which the pilot program terminates, a final report describing the results of the pilot program, including any recommendations of the Secretary to expand such program. The final report will include—

(A) an analysis of the changes in prescription drug costs for the Department related to the pilot program;

(B) an analysis of the impact on beneficiary access to prescription drugs;
(C) a survey of beneficiary satisfaction
with the pilot program;

(D) a summary of any fraud and abuse ac-
tivities related to the pilot and actions taken in
response by the Department; and

(E) a comparison of immunization rates
for beneficiaries participating in the pilot and
those outside of the pilot.

SEC. 746. STUDY ON DISPLAY OF WAIT TIMES AT URGENT
CARE CLINICS, PHARMACIES, AND EMER-
GENCY ROOMS OF MILITARY MEDICAL
TREATMENT FACILITIES.

(a) Study.—

(1) In general.—The Secretary of Defense
shall conduct a study on the feasibility of placing in
a conspicuous location at each urgent care clinic of
a military medical treatment facility, pharmacy of
such a facility, and emergency room of such a facil-
ity an electronic sign that displays the current aver-
age wait time for a patient to be seen by a qualified
medical professional or to receive a filled prescrip-
tion, as the case may be.

(2) Determination of certain wait
times.—For purposes of conducting the study under
paragraph (1) with respect to urgent care clinics and
emergency rooms, the average wait time that would
be displayed shall be—

(A) determined by calculating, for the
four-hour period preceding the calculation, the
average length of time beginning at the time of
the arrival of a patient and ending at the time
at which the patient is first seen by a doctor of
medicine, a doctor of osteopathy, a physician
assistant, or an advanced registered nurse prac-
titioner; and

(B) updated every 30 minutes.

(b) REPORT.—Not later than March 1, 2017, the
Secretary shall submit to the Committees on Armed Serv-
ices of the House of Representatives and the Senate a re-
port on the study conducted under subsection (a)(1), in-
cluding the estimated costs for displaying the wait times
as described in such subsection.

SEC. 747. REPORT ON FEASIBILITY OF INCLUDING ACU-
PUNCTURE AND CHIROPRACTIC SERVICES
FOR RETIREES UNDER TRICARE PROGRAM.

Not later than November 1, 2016, the Secretary of
Defense shall submit to the congressional defense commit-
tees a report on the feasibility of furnishing acupuncture
services and chiropractic services under the TRICARE
program to beneficiaries who are retired members of the
uniformed services (not including any dependent of such a retired member).

SEC. 748. CLARIFICATION OF SUBMISSION OF REPORTS ON LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY.


TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. REVISION TO AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196 of title 10, United States Code, is amended—
(1) in subsection (c)(1)(B), by striking “of the Major Range and Test Facility Base, including with respect to the expansion, divestment, consolidation, or curtailment of activities,” and inserting the following: “that comprise the Major Range and Test Facility Base and other facilities and resources used to support the acquisition programs of the Department of Defense”;

(2) in subsection (d)(2)(E)—

(A) by striking “plans and business case analyses supporting any significant modification of” and inserting “implementation plans and analyses supporting any significant change to”;

and

(B) by striking “including with respect to the expansion, divestment, consolidation, or curtailment of activities”;

(3) in subsection (f)—

(A) in the subsection heading, by striking “MODIFICATIONS” and inserting “CHANGES”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “modification of the test” and all that follows through “activities,” and inserting “change of the test
and evaluation facilities and resources that comprise the Major Range and Test Facility Base and other facilities and resources used to support the acquisition programs of the Department of Defense’’;

(ii) in subparagraph (A), by striking “a business case analysis for such modification” and inserting “an implementation plan and analysis, including an analysis of cost considerations, that supports such a change”; and

(iii) in subparagraph (B), by striking “analysis and approves such modification” and inserts “plan and analysis and approves such change”; and

(C) in paragraph (2), by striking “business case” and inserting “implementation plan and”; and

(4) in subsection (i)—

(A) by striking “In this section, the term” and inserting “In this section:

“(1) The term”; and

(B) by adding at the end the following new paragraph:

“(2) The term ‘significant change’ means—
“(A) any action that will limit or preclude
a test and evaluation capability from fully per-
forming its intended purpose;

“(B) any action that affects the ability of
the Department of Defense to conduct test and
evaluation in a timely or cost-effective manner;
or

“(C) any expansion or addition that devel-
ops a new significant test capability.”.

SEC. 802. AMENDMENTS TO RESTRICTIONS ON
UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) ALLOWABLE PROFIT.—Section 2326(e) of title
10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as
subparagraphs (A) and (B);

(2) by inserting “(1)” before “The head”; and

(3) by adding at the end the following new
paragraph:

“(2) If a contractor submits a qualifying proposal to
definitize an undefinitized contractual action and the con-
tracting officer for such action definitized the contract
after the end of the 180-day period beginning on the date
on which the contractor submitted the qualifying proposal,
the head of the agency concerned shall ensure that the
profit allowed on the contract accurately reflects the cost
risk of the contractor as it existed on the date the con-
tractor submitted the qualifying proposal.”.

(b) FOREIGN MILITARY SALES.—Section 2326 of
such title is further amended—

(1) by redesignating subsections (f) and (g) as
subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the fol-
lowing new subsection (f):

“(f) FOREIGN MILITARY SALES.—A contracting offi-
cer of the Department of Defense may not enter into an
undefined contractual action for a foreign military sale
unless the contractual action provides for agreement upon
contractual terms, specifications, and price by the end of
the 180-day period beginning on the date on which the
contractor submits a qualifying proposal to definitize such
terms, specifications, and price. This subsection may be
waived in the same manner as subsection (b) may be
waived under subsection (b)(4).”.

(c) DEFINITIONS.—Subsection (h) of such section, as
redesignated by subsection (b), is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B),
(C), and (D) as subparagraphs (A), (B), and
(C), respectively; and
(2) in paragraph (2), by striking “complete and meaningful audits” and all that follows through the period and inserting “a meaningful audit of the information contained in the proposal.”.

SEC. 803. REVISION TO REQUIREMENTS RELATING TO INVENTORY METHOD FOR DEPARTMENT OF DEFENSE CONTRACTS FOR SERVICES.

(a) Revision to Current Requirements.—Section 2330a of title 10, United States Code, is amended—

(1) by striking subsections (c), (d), (f), and (g);

(2) by redesignating subsections (e), (h), (i), and (j) as subsections (d), (e), (f), and (g), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) INVENTORY.—(1) The Secretary of Defense shall implement a method for inventory of Department of Defense contracts for services. The method implemented under this subsection shall provide the capability to—

“(A) make appropriate comparisons of contractor and Government civilian full-time equivalent employees for the purpose of informing sourcing decisions and workforce planning in compliance with section 129a of this title;
“(B) distinguish between different types of services contracts, including contracts for labor or staff augmentation and other types of services contracts;

“(C) provide qualitative information such as the nature of the work performed, the place where the work is actually performed (on-site or off-site), and the entity for which the work is performed; and

“(D) identify the number of contractor employees, expressed as full-time equivalents for direct labor, using direct labor hours and associated cost data collected from contractors.

“(2) The Secretary shall ensure that the method implemented under this subsection is auditable at minimal cost.”.

(b) IMPLEMENTATION OF INVENTORY METHOD.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement a method for inventory of Department of Defense contracts for services, as required by subsection (c) of section 2330a, as amended by subsection (a). In implementing the method, the Secretary shall use methods and systems, including time-and-attendance systems, or combinations of methods and systems, in existence as of the date of the
enactment of this Act, as determined appropriate by the Secretary.

(c) Submission to Congress.—Not later than the end of the third quarter of each fiscal year, through fiscal year 2021, the Secretary of Defense shall submit to Congress a summary of the inventory reporting activities performed by each military department, each combatant command, and each Defense Agency, during the preceding fiscal year pursuant to contracts for services (and pursuant to contracts for goods to the extent services are a significant component of performance as identified in a separate line item of a contract) for or on behalf of the Department of Defense.

(d) Conforming Amendments.—

(1) Section 2330a of title 10, United States Code, is further amended—

(A) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “Within 90 days after the date on which an inventory is submitted under subsection (c),” and inserting “Not later than the end of each fiscal year,”; and

(B) in subsection (e), as so redesignated—
(i) by striking “2014 and ending with 2016” and inserting “2017 and ending with 2018”; and

(ii) by striking “subsections (e) and (f)” and inserting “subsection (c)”.

(2) Section 235(b) of such title is amended—

(A) by striking “and separately” and all the follows through “amount requested” and inserting “and separately identify the amount requested and the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees)”;

(B) by striking “; and” and inserting a period; and

(C) by striking paragraph (2).

SEC. 804. PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT.


(1) by inserting “(a) REQUIREMENT.—” before “The Secretary of Defense”;

(2) by striking “that is predominately” and all that follows through “price” and inserting “described in subsection (b)”; and
(3) by adding at the end the following new subsection:

“(b) SOURCE SELECTION CRITERIA DESCRIBED.—For purposes of subsection (a), the source selection criteria described in this subsection are criteria—

“(1) that are predominately based on technical qualifications of the item and not predominately based on price;

“(2) that do not use reverse auction or lowest price technically acceptable contracting methods; and

“(3) that reflect a preference for best value source selection methods.”.

SEC. 805. REVISION TO EFFECTIVE DATE OF SENIOR EXECUTIVE BENCHMARK COMPENSATION FOR ALLOWABLE COST LIMITATIONS.

(a) REPEAL OF RETROACTIVE APPLICABILITY.—Section 803(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485; 10 U.S.C. 2324 note) is amended by striking “amendments made by” and all that follows and inserting “amendments made by this section shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into on or after December 31, 2011.”.
(b) **APPLICABILITY.**—The amendment made by subsection (a) shall take effect as of December 31, 2011, and shall apply as if included in the National Defense Authorization Act for Fiscal Year 2012 as enacted.

**SEC. 806. AMENDMENTS RELATED TO DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.**

Section 818 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2302 note) is amended—

(1) in paragraph (3) of subsection (c)—

(A) by striking the heading and inserting “SUPPLIERS MEETING ANTICOUNTERFEITING REQUIREMENTS.—’’;

(B) in subparagraph (A)(i), by striking “trusted suppliers in accordance with regulations issued pursuant to subparagraph (C) or (D) who” and inserting “suppliers that meet anticounterfeiting requirements in accordance with regulations issued pursuant to subparagraph (C) or (D) and that”;

(C) in subparagraphs (A)(ii) and (A)(iii), by striking “trusted suppliers” each place it appears and inserting “suppliers that meet anticounterfeiting requirements”;
(D) in subparagraph (C), by striking “as trusted suppliers those” and inserting “suppliers”; 

(E) in subparagraph (D) in the matter preceding clause (i), by striking “trusted suppliers” and inserting “suppliers that meet anticounterfeiting requirements”; and 

(F) in subparagraphs (D)(i) and (D)(iii), by striking “trusted” each place it appears; and 

(2) in subsection (e)(2)(A)(v), by striking “use of trusted suppliers” and inserting “the use of suppliers that meet applicable anticounterfeiting requirements”.

SEC. 807. AMENDMENTS TO SPECIAL EMERGENCY PROCUREMENT AUTHORITY.

Section 1903(a) of title 41, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1); 

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and 

(3) by adding after paragraph (2) the following new paragraphs:

“(3) in support of a request from the Secretary of State or the Administrator of the United States
Agency for International Development to facilitate the provision of international disaster assistance pursuant to chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.); or “(4) in support of an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).”.

SEC. 808. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

“(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall comply with the requirements of section 2533a of title 10, without re-
gard to the applicability of any simplified acquisition
threshold under chapter 137 of title 10 (or any other pro-
vision of law).

“(3) This subsection does not prohibit the provision
of a cash allowance to a member described in paragraph
(1) for the purchase of athletic footwear if such foot-
wear—

“(A) is medically required to meet unique phys-
iological needs of the member; and

“(B) cannot be met with athletic footwear that
complies with the requirements of this subsection.”.

SEC. 809. REQUIREMENT FOR POLICIES AND STANDARD
CHECKLIST IN PROCUREMENT OF SERVICES.

(a) REQUIREMENT.—Section 2330a of title 10,
United States Code, as amended by section 803, is further
amended by adding at the end the following new
subsection:

“(h) REQUEST FOR SERVICES CONTRACT AP-
PROVAL.—(1) The Under Secretary of Defense for Per-
sonnel and Readiness shall—

“(A) ensure that Department of Defense In-
struction 1100.22, Guidance for Manpower Mix, is
modified to incorporate policies establishing a stand-
ard checklist to be completed ensuring the appro-
priate alignment of workload to the private sector
prior to the issuance of a solicitation for any new
ccontract for services or exercising an option under
an existing contract for services, including services
provided under a contract for goods; and

“(B) in coordination with the Under Secretary
of Defense for Acquisition, Technology, and Logistics, ensure that such policies and checklist are in-
corporated by reference or otherwise into the Service
Requirements Review Board processes established
under Department of Defense Instruction 5000.74
and into the pre-solicitation requirements of the De-
fense Federal Acquisition Regulation Supplement.

“(2) Such checklist shall, at minimum, consolidate
and address workforce management and sourcing consid-
erations established under sections 129, 129a, 2461, and
2463 of this title as well as Office of Federal Procurement
Policy Letter 11-01.”.

(b) ARMY MODEL.—In implementing section
2330a(g) of title 10, United States Code, as added by sub-
section (a), the Under Secretary of Defense for Personnel
and Readiness shall model, to the maximum extent prac-
ticable, its policies and checklist on the policies and check-
list relating to services contract approval established and
in use by the Department of the Army (as set forth in
the request for services contract approval form updated
as of August 2012, or any successor form).

(c) DEADLINE.—The policies required under such
section 2230a(g) of such title, as so added, shall be issued
within one year after the date of the enactment of this
Act.

SEC. 810. EXTENSION OF LIMITATION ON AGGREGATE AN-
NUAL AMOUNT AVAILABLE FOR CONTRACT
SERVICES.

Section 808 of the National Defense Authorization
Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
1489), as most recently amended by section 813 of the
(Public Law 113–291; 128 Stat. 3429) is further amend-
ed—

(1) in subsections (a) and (b), by striking “or
2015” and inserting “2015, 2016, or 2017”;

(2) in subsection (c)(3), by striking “and 2015”
and inserting “2015, 2016, and 2017”;

(3) in subsection (d)(4), by striking “or 2015”
and inserting “2015, 2016, or 2017”; and

(4) in subsection (e), by striking “2015” and
inserting “2017”.


Subtitle B—Provisions Relating to
Major Defense Acquisition Programs

SEC. 811. CHANGE IN DATE OF SUBMISSION TO CONGRESS OF SELECTED ACQUISITION REPORTS.

Section 2432(f) of title 10, United States Code, is amended by striking “45” the first place it occurs and inserting “10”.

SEC. 812. AMENDMENTS RELATING TO INDEPENDENT COST ESTIMATION AND COST ANALYSIS.

(a) AMENDMENTS.—Section 2334 of title 10, United States Code, is amended—

(1) in subsection (a)(3), by striking “selection of confidence levels” both places it appears and inserting “discussion of risk”;

(2) in subsection (a)(6)—

(A) by inserting “or approve” after “conduct”;

(B) by striking “major defense acquisition programs” and all that follows through “Authority—” and inserting “all major defense acquisition programs, major automated information system programs, and major subprograms—”;

and
(C) in subparagraph (B), by striking “or upon the request” and all that follows through the semicolon at the end and inserting “, upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics, or upon the request of the milestone decision authority;”

(3) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (e), (d), (e), (f), and (h), respectively;

(4) by inserting after subsection (a) the following new subsection (b):

“(b) INDEPENDENT COST ESTIMATE REQUIRED BEFORE APPROVAL.—(1) A milestone decision authority may not approve the system development and demonstration, or production and deployment, of a major defense acquisition program, major automated information system program, or major subprogram unless an independent cost estimate of the full life-cycle cost of the program or subprogram has been conducted or approved by the Director of Cost Assessment and Program Evaluation and considered by the milestone decision authority.

“(2) The regulations governing the content and submission of independent cost estimates required by subsection (a) shall require that the independent cost estimate
of the full life-cycle cost of a program or subprogram in-include—

“(A) all costs of development, procurement, military construction, operations and support, and trained manpower to operate, maintain, and support the program or subprogram upon full operational deployment, without regard to funding source or management control; and

“(B) an analysis to support decision making that identifies and evaluates alternative courses of action that may reduce cost, reduce risk, and result in more affordable programs.”;

(5) in subsection (d), as so redesignated, in paragraph (3), by striking “confidence level” and inserting “discussion of risk”;

(6) in subsection (e), as so redesignated—

(A) by amending the subsection heading to read as follows: “DISCUSSION OF RISK IN COST ESTIMATES.—”;

(B) by amending paragraph (1) to read as follows:

“(1) issue guidance requiring a discussion of risk, the potential impacts of risk on program costs, and approaches to mitigate risk in cost estimates for major defense acquisition programs, major auto-
mated information system programs, and major sub-
programs;”;

(C) in paragraph (2)—

(i) by striking “such confidence level
provides” and inserting “cost estimates
provide”; and

(ii) by inserting “or subprogram”
after “the program”; and

(D) in paragraph (3), by striking “discl-
sure required by paragraph (1)” and inserting
“information required in the guidance under
paragraph (1)”;

(7) by inserting after subsection (f), as so re-
designated, the following new subsection:

“(g) GUIDELINES AND COLLECTION OF COST
DATA.—(1) The Director of Cost Assessment and Pro-
gram Evaluation shall, in consultation with the Under
Secretary of Defense for Acquisition, Technology, and Lo-
gistics, develop policies, procedures, guidance, and a col-
lection method to ensure that acquisition cost data are col-
lected in a standardized format that facilitates cost esti-
mation and comparison across acquisition programs.

“(2) The program manager and contracting officer
for each major defense acquisition program, major auto-
mated information system program, and major subpro-

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gram, in consultation with the cost estimating component of the relevant military department or Defense Agency, shall ensure that cost data are collected in accordance with the requirements of paragraph (1) for any acquisition program in an amount greater than $100,000,000.

“(3) The requirement under paragraph (1) may be waived only by the Director of Cost Assessment and Program Evaluation.”.

(b) CONFORMING AMENDMENTS TO ADD SUBPROGRAMS.—Section 2334 of such title is further amended—

(1) in subsection (a)(2), by inserting “or major subprogram” before “under chapter 144”;

(2) in paragraphs (3), (4), and (5) of subsection (a) and in subsection (e)(1) (as redesignated by subsection (a) of this section), by striking “major defense acquisition programs and major automated information system programs” and inserting “major defense acquisition programs, major automated information system programs, and major subprograms” each place it appears;

(3) in paragraphs (1) and (2) of subsection (d) (as so redesignated), and in subsection (f)(4) (as so redesignated), by striking “major defense acquisition program or major automated information system program” and inserting “major defense acquisition
program, major automated information system program, or major subprogram” each place it appears;

(4) in subsection (d)(4) (as so redesignated), by inserting before the period “or major subprogram”;

(5) in subsection (e)(3)(B) (as so redesignated), by inserting “or major subprogram” after “major defense acquisition program”; and

(6) in subsection (f)(3) (as so redesignated), by striking “major defense acquisition program and major automated information system program” and inserting “major defense acquisition program, major automated information system program, and major subprogram”.

(e) REPEAL.—Chapter 144 of such title is amended—

(1) by striking section 2434; and

(2) in the table of sections at the beginning of such chapter, by striking the item relating to such section.

SEC. 813. REVISIONS TO MILESTONE B DETERMINATIONS.

Section 2366b(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “acquisition cost in” and all that follows through the semicolon, and inserting “life-cycle cost;”; and
(2) in subparagraph (D), by striking “funding is” and all that follows through “made,” and inserting “funding is expected to be available to execute the product development and production plan for the program,”.

SEC. 814. REVIEW AND REPORT ON SUSTAINMENT PLANNING IN THE ACQUISITION PROCESS.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall conduct a review of the extent to which sustainment matters are considered in decisions related to the requirements, acquisition, cost estimating, and programming and budgeting processes for major defense acquisition programs. The review shall include the following:

(1) A determination of whether information related to the operation and sustainment of major defense acquisition programs, including cost data, is available to inform decisions made during those processes.

(2) If such information exists, an evaluation of the completeness, timeliness, quality, and suitability of the information for aiding in decisions made during those processes.

(3) A determination of whether information related to the operation and sustainment of existing major weapon systems is used to forecast the oper-
ation and sustainment needs of major weapon sys-
tems proposed for or under development.

(4) A description of the potential benefits from
improved completeness, timeliness, quality, and suit-
ability of data on operation and support costs and
increased consideration of such data.

(5) Recommendations for improving access to
and consideration of operation and support cost
data.

(6) An assessment of product support strategies
for major weapon systems required by section 2337
of title 10, United States Code, or other similar life-
cycle sustainment strategies, including an evaluation
of—

(A) the stage at which such strategies are
developed during the life of a major weapon
system;

(B) the content and completeness of such
strategies;

(C) the extent to which such strategies in-
fluence the planning for major defense acquisi-
tion programs; and

(D) the extent to which such strategies in-
fluence decisions related to the life-cycle man-
agement and product support of major weapon systems.

(7) An assessment of how effectively the military departments consider sustainment matters at key decision points for acquisition and life-cycle management in accordance with the requirements of sections 2431a, 2366a, 2366b, and 2337 of title 10, United States Code and section 832 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2430 note).

(8) Recommendations for improving the consideration of sustainment during the requirements, acquisition, cost estimating, programming and budgeting processes.

(b) CONTRACT WITH INDEPENDENT ENTITY.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall enter into a contract with an independent entity with appropriate expertise to conduct the review required by subsection (a). The contract also shall require the entity to provide to the Secretary a report on the findings of the entity.

(c) BRIEFING.—Not later than March 1, 2017, the Secretary shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives on the preliminary findings of the independent entity.
(d) Submission to Congress.—Not later than August 1, 2017, the Secretary shall submit to the congressional defense committees a copy of the report of the independent entity, along with comments on the report, proposed revisions or clarifications to laws related to life-cycle management or sustainment planning for major weapon systems, and a description of any actions the Secretary may take to revise or clarify regulations related to life-cycle management or sustainment planning for major weapon systems.

SEC. 815. REVISION TO DISTRIBUTION OF ANNUAL REPORT ON OPERATIONAL TEST AND EVALUATION.

Section 139(h) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting “the Secretaries of the military departments,” after “Logistics,”; and

(B) by striking “10 days” and all that follows through “title 31” and inserting “January 31 of each year, through January 31, 2021”;

and

(2) in paragraph (5), by inserting after “Secretary” the following: “of Defense and the Secretaries of the military departments”.
Subtitle C—Provisions Relating to Commercial Items

SEC. 821. REVISION TO DEFINITION OF COMMERCIAL ITEM.

(a) IN GENERAL.—Section 103(8) of title 41, United States Code, is amended by striking “to multiple State and local governments” and inserting “to State, local, or foreign governments”.

(b) EFFECT ON SECTION 2464.—Nothing in this section or the amendment made by this section shall affect the meaning of the term “commercial item” under section (a)(5) of section 2464 of title 10, United States Code, or any requirement under subsection (a)(3) or subsection (c) of such section.

SEC. 822. MARKET RESEARCH FOR DETERMINATION OF PRICE REASONABLENESS IN ACQUISITION OF COMMERCIAL ITEMS.

Section 2377 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e), and in that subsection by striking “subsection (e)” and inserting “subsections (c) and (d)”;

and

(2) by inserting after subsection (e) the following new subsection (d):
“(d) Market Research for Price Analysis.—

The Secretary of Defense shall ensure that procurement officials in the Department of Defense conduct or obtain market research to support the determination of the reasonableness of price for commercial items contained in any bid or offer submitted in response to an agency solicitation. To the extent necessary to support such market research, the procurement official for the solicitation—

“(1) in the case of items acquired under section 2379 of this title, shall use information submitted under subsection (d) of that section; and

“(2) in the case of other items, may require the offeror to submit relevant information.”.


Subsection 2379(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) An offeror may submit information or analysis relating to the value of a commercial item to aid in the determination of the reasonableness of the price of such item. A contracting officer may consider such information
or analysis in addition to the information submitted pur-
suant to paragraphs (1)(A) and (1)(B).”.

SEC. 824. CLARIFICATION OF REQUIREMENTS RELATING
TO COMMERCIAL ITEM DETERMINATIONS.

Paragraphs (1) and (2) of section 2380 of title 10,
United States Code, are amended to read as follows:

“(1) establish and maintain a centralized capa-
bility with necessary expertise and resources to pro-
vide assistance to the military departments and De-
fense Agencies in making commercial item deter-
minations, conducting market research, and per-
forming analysis of price reasonableness for the pur-
poses of procurements by the Department of De-
fense; and

“(2) provide to officials of the Department of
Defense access to previous Department of Defense
commercial item determinations, market research,
and analysis used to determine the reasonableness of
price for the purposes of procurements by the De-
partment of Defense.”.
SEC. 825. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—The Secretary of Defense may carry out a pilot program, to be known as a “commercial solutions opening pilot program”, under which innovative commercial items may be acquired through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(b) TREATMENT AS COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

(c) LIMITATIONS ON FUNDING.—

(1) LIMITATION ON INDIVIDUAL CONTRACT AMOUNT.—The Secretary may not enter into a contract under the pilot program for an amount in excess of $10,000,000.

(2) ANNUAL LIMITATION.—The total amount that may be obligated or expended under the pilot program for a fiscal year may not exceed $75,000,000.

(d) LIMITATION RELATING TO MAJOR DEFENSE ACQUISITION PROGRAM SYSTEMS.—The Secretary may not
acquire innovative commercial items under the pilot program to replace a system under a major defense acquisition program in its entirety.

(e) GUIDANCE.—The Secretary shall issue guidance for the implementation of the pilot program under this section within the Department of Defense. Such guidance shall be issued in consultation with the Office of Management and Budget and shall be posted for access by the public.

(f) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than six months after the initiation of the pilot program, and every six months thereafter, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the activities the Department of Defense carried out under the pilot program.

(2) ELEMENTS OF REPORT.—The report under this subsection shall include the following:

(A) An assessment of the impact of the pilot program on competition.

(B) An assessment of the ability under the pilot program to attract proposals from non-traditional defense contractors (as defined in
section 2302(9) of title 10, United States Code).

(C) A comparison of acquisition timelines for—

(i) procurements made using the pilot program; and

(ii) procurements made using other competitive procedures that do not use general solicitations.

(D) A recommendation on whether the authority for the pilot program should be made permanent.

(g) DEFINITION.—In this section, the term “innovative” means—

(1) any new technology, process, or method, able to be used to improve or replace existing information system applications, programs, or networks, or used to improve research and development of information technology advancements; or

(2) any new application of an existing technology, process, or method.

(h) TERMINATION.—The authority to enter into a contract under a pilot program under this section terminates on the date occurring five years after the date of the enactment of this Act.
Subtitle D—Other Matters

SEC. 831. REVIEW AND REPORT ON THE BID PROTEST PROCESS.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the bid protest processes related to major defense acquisition programs. The review shall examine the extent to which—

(1) the incidence and duration of bid protests have increased or decreased during the previous decade;

(2) bid protests have delayed procurement of items or services;

(3) there are differences in the incidence and outcomes of bid protests filed by incumbent and non-incumbent contractors;

(4) protests filed by incumbent contractors result in extension of the period of performance of a contract, and whether there are benefits (monetary or non-monetary) to incumbent contractors under such circumstances; and

(5) there are alternative actions or authorities that could give the Government more flexibility in managing contracts if a bid protest is filed.

(b) CONTRACT WITH INDEPENDENT ENTITY.—Not later than 30 days after the date of the enactment of this
Act, the Secretary of Defense shall enter into a contract with an independent entity with appropriate expertise to conduct the review required in subsection (a).

(c) Briefing.—Not later than March 1, 2017, the Secretary, or his designee, shall brief the Committees on Armed Services of the Senate and House of Representatives on interim findings of the independent entity.

(d) Report.—Not later than July 1, 2017, the Secretary shall submit to the congressional defense committees a report on the findings of the independent entity, along with a description of any actions that the Secretary proposes to address the findings of the independent entity.

SEC. 832. REVIEW AND REPORT ON INDEFINITE DELIVERY CONTRACTS.

(a) Report.—The Comptroller General of the United States shall deliver, not later than March 31, 2018, a report to Congress on the use by the Department of Defense of indefinite delivery contracts entered into during fiscal years 2015, 2016, and 2017.

(b) Elements.—The report under subsection (a) shall address, at a minimum, the following:

(1) A review of Department of Defense policies for using indefinite delivery contracts, including requirements for competition.
(2) The number and value of all indefinite delivery contracts entered into by the Department of Defense.

(3) An assessment of the number and value of indefinite delivery contracts entered into by the Department of Defense that included competition between multiple vendors.

(4) Selected case studies of indefinite delivery contracts, including an assessment of whether any such contracts may have limited future opportunities for competition for the services or items required.

(5) Recommendations for potential changes to current law or Department of Defense acquisition regulations to promote competition with respect to indefinite delivery contracts.

SEC. 833. REVIEW AND REPORT ON CONTRACTUAL FLOW-DOWN PROVISIONS.

(a) Review Required.—The Secretary of Defense shall conduct a review of contractual flow-down provisions related to major defense acquisition programs. The review shall—

(1) identify the flow-down provisions that exist in the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement;
(2) identify the flow-down provisions that are critical for national security;

(3) examine the extent to which clauses in contracts with the Department of Defense are being applied inappropriately in subcontracts under the contracts;

(4) assess the applicability of flow-down provisions for the purchase of commodity items that are acquired in bulk for multiple acquisition programs;

(5) determine the unnecessary costs or burdens, if any, of flow-down provisions on the supply chain; and

(6) determine the effect, if any, of flow-down provisions on the participation rate of small businesses and non-traditional defense contractors in defense procurements.

(b) Contract.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity with appropriate expertise to conduct the review required by subsection (a).

(c) Briefing.—Not later than March 1, 2017, the Secretary, or his designee, shall brief the Committees on Armed Services of the Senate and the House of Representatives on interim findings of the independent entity as well
as initial recommendations of the entity on how to modify
or eliminate contractual flow-down requirements that the
entity considers burdensome or unnecessary.

(d) REPORT.—Not later than August 1, 2017, the
Secretary shall submit to the congressional defense com-
mittees a report on the findings of the independent entity,
along with a description of any actions that the Secretary
proposes to address the findings of the independent entity.

SEC. 834. REVIEW OF ANTI-COMPETITIVE SPECIFICATIONS
IN INFORMATION TECHNOLOGY ACQUISI-
TIONS.

(a) REVIEW REQUIRED.—Not later than 180 days
after the date of the enactment of this Act, the Under
Secretary of Defense for Acquisition, Technology, and Lo-
gistics shall conduct a review of the policy, guidance, regu-
lations, and training related to specifications included in
information technology acquisitions to ensure current poli-
cies eliminate the unjustified use of potentially anti-com-
petitive specifications. In conducting the review, the Under
Secretary shall examine the use of brand names or propri-
etary specifications or standards in solicitations for pro-
curements of goods and services, as well as the current
acquisition training curriculum related to those areas.

(b) BRIEFING REQUIRED.—Not later than 270 days
after the date of the enactment of this Act, the Under
Secretary shall provide a briefing to the Committees on Armed Services of the Senate and House of Representatives on the results of the review required by subsection (a).

(c) ADDITIONAL GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall revise policies, guidance, and training to incorporate such recommendations as the Under Secretary considers appropriate from the review required by subsection (a).

SEC. 835. COAST GUARD MAJOR ACQUISITION PROGRAMS.

(a) FUNCTIONS OF CHIEF ACQUISITION OFFICER.—Section 56(c) of title 14, United States Code, is amended by striking “and” after the semicolon at the end of paragraph (8), striking the period at the end of paragraph (9) and inserting “; and”, and adding at the end the following:

“(10)(A) keeping the Commandant informed of the progress of major acquisition programs (as that term is defined in section 581);

“(B) informing the Commandant on a continuing basis of any developments on such programs that may require new or revisited trade-offs among cost, schedule, technical feasibility, and performance, including—
“(i) significant cost growth or schedule slippage; and

“(ii) requirements creep (as that term is defined in section 2547(e)(1) of title 10); and

“(C) ensuring that the views of the Commandant regarding such programs on cost, schedule, technical feasibility, and performance trade-offs are strongly considered by program managers and program executive officers in all phases of the acquisition process.”.

(b) CUSTOMER SERVICE MISSION OF DIRECTORATE.—

(1) IN GENERAL.—Chapter 15 of title 14, United States Code, is amended—

(A) in section 561(b)—

(i) in paragraph (1), by striking “; and” and inserting a semicolon;

(ii) in paragraph (2), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(3) to meet the needs of customers of major acquisition programs in the most cost-effective manner practicable.”;
(B) in section 562, by repealing subsection (b) and redesignating subsections (e) through (g) as subsections (b) through (f), respectively;

(C) in section 563, by striking “Not later than 180 days after the date of enactment of the Coast Guard Authorization Act of 2010, the Commandant shall commence implementation of” and inserting “The Commandant shall maintain”;

(D) by adding at the end of section 564 the following:

“(c) ACQUISITION OF UNMANNED AERIAL SYSTEMS.—

“(1) IN GENERAL.—The Commandant—

“(A) may not award a contract for design of an unmanned aerial system for use by the Coast Guard; and

“(B) may acquire an unmanned aerial system only—

“(i) if such a system has been acquired or has been used by the Department of Defense or the Department of Homeland Security, or a component thereof, before the date on which the Commandant acquires the system; and
“(ii) through an agreement with such department or component, unless the unmanned aerial system can be obtained at less cost through independent contract action.

“(2) LIMITATION ON APPLICATION.—The limitations of paragraph (1)(B) shall not apply to any small unmanned aerial system that consists of—

“(A) an unmanned aircraft weighing less than 55 pounds on takeoff, including all components and equipment on board or otherwise attached to the aircraft; and

“(B) associated elements (including communication links and the components that control such aircraft) that are required for the safe and efficient operation of such aircraft.”;

(E) in subchapter II, by adding at the end the following:

“§ 578. Role of Vice Commandant in major acquisition programs

“The Vice Commandant—

“(1) shall represent the customer of a major acquisition program with regard to trade-offs made among cost, schedule, technical feasibility, and performance with respect to such program; and.
“(2) shall advise the Commandant in decisions regarding the balancing of resources against priorities, and associated trade-offs referred to in paragraph (1), on behalf of the customer of a major acquisition program.

§ 579. Extension of major acquisition program contracts

“(a) IN GENERAL.—Notwithstanding section 564(a)(2) of this title and section 2304 of title 10, and subject to subsections (b) and (c) of this section, the Secretary may acquire additional units procured under a Coast Guard major acquisition program contract, by extension of such contract without competition, if the Comptroller General of the United States determines that the costs that would be saved through award of a new contract in accordance with such sections would not exceed the costs of such an award.

“(b) LIMITATION ON NUMBER OF ADDITIONAL UNITS.—The number of additional units acquired under a contract extension under this section may not exceed the number of additional units for which such determination is made.

“(c) DETERMINATION OF COSTS UPON REQUEST.—The Comptroller General shall, at the request of the Secretary, determine for purposes of this section—
“(1) the costs that would be saved through award of a new major acquisition program contract in accordance with section 564(a)(2) for the acquisition of a number of additional units specified by the Secretary; and

“(2) the costs of such award, including the costs that would be incurred due to acquisition schedule delays and asset design changes associated with such award.

“(d) Number of Extensions.—A contract may be extended under this section more than once.”; and

(F) in section 581—

(i) by redesignating paragraphs (7) through (10) as paragraphs (9) through (12), respectively, and by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(ii) by inserting after paragraph (2) the following:

“(3) Customer of a Major Acquisition Program.—The term ‘customer of a major acquisition program’ means the operating field unit of the Coast Guard that will field the system or systems acquired under a major acquisition program.”; and
(iii) by inserting after paragraph (7), as so redesignated, the following:

“(8) MAJOR ACQUISITION PROGRAM.—The term ‘major acquisition program’ means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to $300,000,000.”.

(2) CONFORMING AMENDMENT.—Section 569a of such title is amended by striking subsection (e).

(3) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to subchapter II the following:

“578. Role of Vice Commandant in major acquisition programs.
“579. Extension of major acquisition program contracts.”.

(c) REVIEW REQUIRED.—

(1) REQUIREMENT.—The Commandant of the Coast Guard shall conduct a review of—

(A) the authorities provided to the Commandant in chapter 15 of title 14, United States Code, and other relevant statutes and regulations related to Coast Guard acquisitions, including developing recommendations to ensure that the Commandant plays an appropriate role in the development of requirements, acquisition processes, and the associated budget practices;
(B) implementation of the strategy prepared in accordance with section 562(b)(2) of title 14, United States Code, as in effect before the enactment of the National Defense Authorization Act for Fiscal Year 2017; and

(C) acquisition policies, directives, and regulations of the Coast Guard to ensure such policies, directives, and regulations establish a customer-oriented acquisition system.

(2) REPORT.—Not later than March 1, 2017, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing, at a minimum, the following:

(A) The recommendations developed by the Commandant under paragraph (1) and other results of the review conducted under such paragraph.

(B) The actions the Commandant is taking, if any, within the Commandant’s existing authority to implement such recommendations.

(3) MODIFICATION OF POLICIES, DIRECTIVES, AND REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Com-
mandant of the Coast Guard shall modify the acquisition policies, directives, and regulations of the Coast Guard as necessary to ensure the development and implementation of a customer-oriented acquisition system, pursuant to the review under paragraph (1)(C).

(d) Analysis of Using Multiyear Contracting.—

(1) In General.—No later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an analysis of the use of multiyear contracting, including procurement authority provided under section 2306b of title 10, United States Code, and authority similar to that granted to the Navy under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) and section 150 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 124 Stat. 3519), to acquire any combination of at least five—
(A) Fast Response Cutters, beginning with hull 43; and

(B) Offshore Patrol Cutters, beginning with hull 5.

(2) CONTENTS.—The analysis under paragraph (1) shall include the costs and benefits of using multiyear contracting, the impact of multiyear contracting on delivery timelines, and whether the acquisitions examined would meet the tests for the use of multiyear procurement authorities.

SEC. 836. WAIVER OF CONGRESSIONAL NOTIFICATION FOR ACQUISITION OF TACTICAL MISSILES AND MUNITIONS GREATER THAN QUANTITY SPECIFIED IN LAW.

Section 2308(c) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The head”;

(2) by inserting “, except as provided in paragraph (2),” after “but”; and

(3) by adding at the end the following new paragraph:

“(2) A notification is not required under paragraph (1) if the end item being acquired in a higher quantity is an end item under a tactical missile program or a munition program.”.
SEC. 837. CLOSEOUT OF OLD DEPARTMENT OF THE NAVY CONTRACTS.

(a) Authority.—Notwithstanding any other provision of law, the Secretary of the Navy may close out the contracts described in subsection (b) through the issuance of one or more modifications to such contracts without completing further reconciliation audits or corrective actions other than those described in this section. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation obligated to fund each contract line item and regardless of whether the appropriations for such contract line items have closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation obligated to fund each contract and regardless of whether the appropriations for such contract line item have closed.

(b) Contracts Covered.—The contracts covered by this section are a group of contracts that are with one contractor and identified by the Secretary, each one of which is a contract—

(1) to design, construct, repair, or support the construction or repair of Navy submarines that—
(A) was entered into between fiscal years 1974 and 1998; and

(B) has no further supply or services deliverables due under the terms and conditions of the contract;

(2) with respect to which the Secretary of the Navy has established the total final contract value; and

(3) with respect to which the Secretary of the Navy has determined that the final allowable cost may have a negative or positive unliquidated obligation balance for which it would be difficult to determine the year or type of appropriation because—

(A) the records for the contract have been destroyed or lost; or

(B) the records for the contract are available but the contracting officer, in collaboration with the certifying official, has determined that a discrepancy is of such a minimal value that the time and effort required to determine the cause of an out-of-balance condition is disproportionate to the amount of the discrepancy.

(e) CLOSEOUT.—The contracts described in subsection (b) may be closed out—
(1) upon receipt of $581,803 from the contractor, to be deposited into the Treasury as miscellaneous receipts; and

(2) without seeking further amounts from the contractor, and without payment to the contractor of any amounts that may be due under such contracts.

(d) Adjustment and Closure of Records.—After closeout of any contract described in subsection (b) using the authority of this section, the payment or accounting offices concerned may adjust and close any open finance and accounting records relating to the contract.

SEC. 838. REQUIREMENT THAT CERTAIN SHIP COMPONENTS BE MANUFACTURED IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) Additional Procurement Limitation.—Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) Components for auxiliary ships.—Subject to subsection (k), the following components:

“(A) Auxiliary equipment, including pumps, for all shipboard services.

“(B) Propulsion system components, including engines, reduction gears, and propellers.

“(C) Shipboard cranes.
“(D) Spreaders for shipboard cranes.”.

(b) IMPLEMENTATION.—Such section is further amended by adding at the end the following new subsection:

“(k) IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.—Subsection (a)(6) applies only with respect to contracts awarded by the Secretary of a military department for new construction of an auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy.”.

SEC. 839. DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND DETERMINATION ADJUSTMENT.

Subsection (d)(2)(D) of section 1705 of title 10, United States Code, is amended by inserting after “$400,000,000” the following: “except that, in the case of fiscal year 2017, the Secretary may reduce the amount to $0”.

“
SEC. 840. AMENDMENT TO PROHIBITION ON PERFORMANCE OF NON-DEFENSE AUDITS BY DEFENSE CONTRACT AUDIT AGENCY TO EXEMPT AUDITS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 893(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; Stat. 952) is amended—

(1) in paragraph (1), by striking “Effective” and inserting “Except as provided in paragraph (3), effective”; and

(2) by adding at the end the following new paragraph:

“(3) EXCEPTION.—In this subsection, the term ‘non-Defense Agencies’ does not include the National Nuclear Security Administration.”.

SEC. 841. SELECTION OF SERVICE PROVIDERS FOR AUDITING SERVICES AND AUDIT READINESS SERVICES.

The Department of Defense shall select service providers for auditing services and audit readiness services based on the best value to the Department, as determined by the resource sponsor for an auditing contract, rather than based on the lowest price technically acceptable service provider.
SEC. 842. MODIFICATIONS TO THE JUSTIFICATION AND APPROVAL PROCESS FOR CERTAIN SOLE-SOURCE CONTRACTS FOR SMALL BUSINESS CONCERNS.

(a) Repeal of Simplified Justification and Approval Process.—Section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2405; 41 U.S.C. 3304 note) is repealed.

(b) Requirements for Justification and Approval Process.—

(1) Defense Procurements.—Section 2304(f)(2)(D)(ii) of title 10, United States Code, is amended by inserting “only if such procurement is for property or services in an amount less than $20,000,000” before the semicolon at the end.

(2) Civilian Procurements.—Section 3304(e)(4) of title 41, United States Code, is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by striking “or section 8(a) of the Small Business Act (15 U.S.C. 637(a)).” and inserting “; or”; and

(C) by adding at the end the following new subparagraph:
“(E) the procurement is for property or services in an amount less than $20,000,000 and is conducted under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).”.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Goldwater-Nichols Reform

SEC. 901. SENSE OF CONGRESS ON GOLDWATER-NICHOLS REFORM.

It is the sense of Congress that the following principles should be adhered to in any reform of the Goldwater-Nichols Department of Defense Reorganization Act of 1986:

(1) Civilian control of the military and the civilian chain of command must be preserved.

(2) The role of the Chairman of the Joint Chiefs of Staff in providing independent military advice, as the principal military advisor to the President and the Secretary of Defense, must be preserved.

(3) Any changes to the Goldwater-Nichols Act of 1986 should be rooted in a clear identification...
and understanding of the issues and the objectives and ramifications of any changes.

(4) Any changes to the Goldwater-Nichols Act of 1986 should enhance the capabilities of the United States Armed Forces.

(5) Each Geographical Unified Command has its own distinct area of emphasis and expertise, as well as requirements and responsibilities. Combining Northern Command and Southern Command, or combining European Command and Africa Command, would severely degrade mission effectiveness, but would provide only marginal increased efficiency. Additionally, consolidating Geographic Unified Commands would cause unacceptable risk to both global strategic influence as well as regional capability, and would exacerbate already significant capacity challenges.

(6) The emphasis on strategy and planning in the Goldwater-Nichols Act must be sustained.

(7) Complex security challenges will become increasingly transregional, multi-domain, and multifunctional.

(8) Therefore, the Department of Defense, including streamlined headquarters staffs, must be more agile and adaptive.
SEC. 902. REPEAL OF DEFENSE STRATEGY REVIEW.

(a) REPEAL.—Section 118 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 118.

SEC. 903. COMMISSION ON THE NATIONAL DEFENSE STRATEGY FOR THE UNITED STATES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the “Commission on the National Defense Strategy for the United States”. The purpose of the commission is to examine and make recommendations with respect to national defense strategy for the United States.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The commission shall be composed of 12 members appointed as follows:

(A) Three members appointed by the chair of the Committee on Armed Services of the House of Representatives.

(B) Three members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.
(C) Three members appointed by the chair of the Committee on Armed Services of the Senate.

(D) Three members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(2) CHAIR; VICE CHAIR.—

(A) CHAIR.—The chair of the Committee on Armed Services of the House of Representative and the chair of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as chair of the commission.

(B) VICE CHAIR.—The ranking minority member of the Committee on Armed Services of the House of Representative and the ranking minority member of the Committee on Armed Services of the Senate shall jointly designate one member of the commission to serve as vice chair of the commission.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.
(c) DUTIES.—

(1) REVIEW.—The commission shall review the current national defense strategy of the United States, including the assumptions, missions, force posture and capabilities, and strategic and military risks associated with the strategy.

(2) ASSESSMENT AND RECOMMENDATIONS.—
The commission shall conduct a comprehensive assessment of the strategic environment, the size and shape of the force, the readiness of the force, the posture and capabilities of the force, the allocation of resources, and strategic and military risks to provide recommendations on national defense strategy for the United States.

(d) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—In carrying out its duties, the commission shall receive the full and timely cooperation of the Secretary of Defense in providing the commission with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) LIAISON.—The Secretary of Defense shall designate at least one officer or employee of the Department of Defense to serve as a liaison officer between the Department and the commission.
(e) REPORT.—

(1) FINAL REPORT.—Not later than December 1, 2017, the commission shall submit to the President, the Secretary of Defense, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a report on the commission’s findings, conclusions, and recommendations. The report shall address, but not be limited to, each of the following:

(A) The strategic environment, including security challenges, and the national security interests of the United States.

(B) The military missions for which the Department of Defense should prepare and the force planning construct.

(C) The roles and missions of the Armed Forces to carry out those missions and the roles and capabilities provided by other United States Government agencies and by allies and international partners.

(D) The force size and shape, posture and capabilities, readiness, infrastructure, organization, personnel, and other elements of the defense program necessary to support the strategy.
(E) The resources necessary to support the strategy, including budget recommendations.

(F) The strategic and military risks associated with the strategy, including the relationships and tradeoffs between missions, risks, and resources.

(2) INTERIM BRIEFING.—Not later than June 1, 2017, the commission shall provide to the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate a briefing on the status of its review and assessment, and include a discussion of any interim recommendations.

(f) FUNDING.—Of the amounts authorized to be appropriated or otherwise made available pursuant to this Act to the Department of Defense, $5,000,000 is available to fund the activities of the commission.

(g) TERMINATION.—The commission shall terminate 6 months after the date on which it submits the report required by subsection (e).

SEC. 904. REFORM OF DEFENSE STRATEGIC AND POLICY GUIDANCE.

Subsection (g) of section 113 of title 10, United States Code, is amended to read as follows:
“(g) DEFENSE STRATEGIC AND POLICY GUIDANCE.—

“(1) DEFENSE STRATEGIC GUIDANCE.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide every four years to the heads of the military departments, the unified and specified combatant commands, all other Defense Agencies and Department of Defense Field Activities, and any other elements of the Department of Defense named in paragraphs (1) to (10) of section 111(b) of this title, written strategic guidance expressing the national defense strategy of the United States. The strategic guidance shall—

“(A) support the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

“(B) be a mechanism for—

“(i) setting priorities for sizing and shaping the force, guiding the development and sustainment of capabilities, allocating resources, and adjusting the organization of the Department of Defense to respond to changes in the strategic environment;
“(ii) monitoring, assessing, and holding accountable agencies within the Department of Defense for the development of policies and programs that support the national defense strategy;

“(iii) integrating and supporting other national and related interagency security policies and strategies with other Department of Defense guidance, plans, and activities; and

“(iv) communicating such national defense strategy to the American public, Congress, relevant United States Government agencies, and allies and international partners;

“(C) provide a comprehensive discussion of—

“(i) the assumed strategic environment, including security challenges, and the assumed or defined prioritized national security interests and objectives of the United States;

“(ii) the prioritized military missions for which the Department of Defense must
prepare and the assumed force planning scenarios and constructs;

“(iii) the roles and missions of the armed forces to carry out those missions, and the assumed roles and capabilities provided by other United States Government agencies and by allies and international partners;

“(iv) the force size and shape, posture, capabilities, readiness, infrastructure, organization, personnel, and other elements of the defense program necessary to support the strategy;

“(v) the resources necessary to support the strategy, including an estimated budget plan; and

“(vi) the strategic and military risks associated with the strategy, including the relationships and tradeoffs between missions, risks, and resources; and

“(D) include any additional or alternative views of the Chairman of the Joint Chiefs of Staff, including any military assessment of risks associated with the defense strategy.
(2) POLICY GUIDANCE ON DEVELOPMENT OF FORCES.—In implementing the guidance in paragraph (1), the Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the heads of the military departments, the unified and specified combatant commands, all other Defense Agencies and Department of Defense Field Activities, and any other elements of the Department of Defense named in paragraphs (1) to (10) of section 111(b) of this title, written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components to guide the development of forces. Such guidance shall include—

“(A) the prioritized national security interests and objectives;

“(B) the prioritized military missions of the Department of Defense, including the assumed force planning scenarios and constructs;

“(C) the force size and shape, posture, capabilities, readiness, infrastructure, organization, personnel, and other elements of the defense program necessary to support the strategy;
“(D) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective; and

“(E) a discussion of any changes in the defense strategy and assumptions underpinning the strategy, as required by paragraph (1).

“(3) POLICY GUIDANCE ON CONTINGENCY PLANNING.—In implementing the guidance in paragraph (1), the Secretary of Defense, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide, every two years or more frequently as needed, to the Chairman written policy guidance for the preparation and review of contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities. Such guidance shall include guidance on the employment of forces, including specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

“(4) SUBMISSION TO CONGRESS.—(A) Not later than February 15th in any calendar year in which
any of the written guidance in paragraphs (1), (2), and (3) is required, the Secretary of Defense shall submit to the congressional defense committees a copy of such guidance developed under such paragraphs.

“(B) In addition, not later than February 15th in any calendar year in which the written guidance in paragraph (1) is required, the Secretary of Defense shall submit to the congressional defense committees a detailed summary of any classified aspects of the strategic guidance, including assumptions regarding the strategic environment; military missions; force planning scenarios and constructs; force size, shape, posture, capabilities, and readiness; and any additional or alternative views of the Chairman of the Joint Chiefs of Staff.”

SEC. 905. REFORM OF THE NATIONAL MILITARY STRATEGY.

Paragraph (1) of section 153(b) of title 10, United States Code, is amended to read as follows:

“(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this subsection. The Chairman shall provide such
National Military Strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

“(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of this review, that a modification is needed.

“(C) Each National Military Strategy (or update) submitted under this paragraph shall describe how the military will support the objectives of the United States as articulated in—

“(i) the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

“(ii) the most recent annual report of the Secretary of Defense submitted to the President
and Congress pursuant to section 113 of this title;

“(iii) the most recent defense strategic guidance provided by the Secretary of Defense pursuant to section 113 of this title; and

“(iv) any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

“(D) At a minimum, each National Military Strategy (or update) submitted under this paragraph shall be a mechanism for—

“(i) developing military ends, ways, and means to support the objectives referred to in subparagraph (C);

“(ii) assessing strategic and military risks, and developing risk mitigation options;

“(iii) establishing a strategic framework for the development of operational and contingency plans;

“(iv) prioritizing joint force capabilities, capacities, and resources; and

“(v) establishing military guidance for the development of the joint force.”.
SEC. 906. MODIFICATION TO INDEPENDENT STUDY OF NATIONAL SECURITY STRATEGY FORMULATION PROCESS.

Section 1064(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 989) is amended—

(1) in subparagraph (D), by inserting “, including Congress,” after “Federal Government”; and

(2) by adding at the end the following new subparagraph:

“(E) The capabilities and limitations of the Department of Defense workforce responsible for conducting strategic planning, including recommendations for improving the workforce through training, education, and career management.”.

SEC. 907. TERM OF OFFICE FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) AMENDMENTS.—Section 152(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “a term of two years” and all that follows through the end and inserting the following: “a term of four years, beginning on October 1 of a year that is three years following a year evenly divisible by four. The limitation
of this paragraph on the length of term does not apply in time of war.”; and

(2) in paragraph (3), by striking “exceeds six years” and all that follows through the end and inserting the following: “exceeds eight years. The limitation of this paragraph does not apply in time of war.”.

(b) Delayed Effective Date.—The amendments made by this section shall take effect on October 1, 2019.

SEC. 908. RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF RELATING TO OPERATIONS.

Section 153(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) Advice on Operations.—Advising—

“(A) the President and the Secretary of Defense on ongoing military operations; and

“(B) the Secretary on the allocation and transfer of forces among geographic and functional combatant commands, as necessary, to
address transregional, multi-domain, and multi-functional threats.”.

SEC. 909. ASSIGNED FORCES WITHIN THE CONTINENTAL UNITED STATES.

Section 162(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting after “of this title” the following: “, other forces within the continental United States that are directed by the Secretary of Defense to be assigned to a military department,”; and

(2) in paragraph (4), by inserting after “unified combatant command” the following: “, other than forces within the continental United States that are directed by the Secretary to be assigned to a military department,”.

SEC. 910. REDUCTION IN GENERAL OFFICER AND FLAG OFFICER GRADES AND POSITIONS.

(a) GRADE OF SERVICE OR FUNCTIONAL COMPONENT COMMANDER.—Section 164(e) of title 10, United States Code, is amended by adding after paragraph (4) the following new paragraph:

“(5) The grade of an officer serving as a commander of a service or functional component command under a commander of a combatant command
shall be no higher than lieutenant general or vice admiral.”.

(b) DEFINITIONS.—Section 164 of such title is further amended by adding at the end the following new subsection:

“(h) DEFINITIONS.—For purposes of this section—

“(1) a service component command is subordinate to the commander of a unified command and consists of the service component commander and the service forces (such as individuals, units, detachments, and organizations, including the support forces), as assigned by the Secretary of Defense, that have been assigned to that combatant commander; and

“(2) a functional component command is a command normally, but not necessarily, composed of forces of two or more military departments which may be established across the range of military operations to perform particular operational missions that may be of short duration or may extend over a period of time.”.

(c) REDUCTION IN POSITIONS.—

(1) REDUCTION.—The Secretary of Defense shall reduce the total number of officers in the grade
of general or admiral on active duty by five posi-
tions.

(2) REPORT.—The Secretary of Defense shall
submit to the congressional defense committees a re-
port on how the Department of Defense plans to im-
plement the reductions required by paragraph (1),
including how to balance and reduce the total num-
ber of general officers and flag officers in accordance
with sections 525 and 526 of title 10, United States
Code.

(d) TREATMENT OF CURRENT COMMANDERS.—An
officer serving on the date of the enactment of this Act
as a commander of a service or functional component com-
mand under a commander of a combatant command shall
serve in that position until the appointment of another of-
icer in accordance with the amendment made by sub-
section (a).

SEC. 911. ESTABLISHMENT OF UNIFIED COMBATANT COM-
MAND FOR CYBER OPERATIONS.

(a) ESTABLISHMENT OF CYBER COMMAND.—Chap-
ter 6 of title 10, United States Code, is amended by add-
ing at the end the following new section:
§ 169. Unified combatant command for cyber operations

(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for cyber operations forces (hereinafter in this section referred to as the ‘cyber command’). The principal function of the command is to prepare cyber operations forces to carry out assigned missions.

(b) ASSIGNMENT OF FORCES.—Unless otherwise directed by the Secretary of Defense, all active and reserve cyber operations forces of the armed forces stationed in the United States shall be assigned to the cyber command.

(c) GRADE OF COMMANDER.—The commander of the cyber operations command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position.

(d) COMMAND OF ACTIVITY OR MISSION.—(1) Unless otherwise directed by the President or the Secretary of Defense, a cyber operations activity or mission shall be conducted in coordination with the command of the com-
mander of the unified combatant command in whose geo-
graphic area the activity or mission is to be conducted.

“(2) The commander of the cyber command shall ex-
ercise command of a selected cyber operations mission if
directed to do so by the President or the Secretary of De-
fense.

“(e) AUTHORITY OF COMBATANT COMMANDER.—(1)
In addition to the authority prescribed in section 164(c)
of this title, the commander of the cyber command shall
be responsible for, and shall have the authority to conduct,
all affairs of such command relating to cyber operations
activities.

“(2) The commander of such command shall be re-
ponsible for, and shall have the authority to conduct, the
following functions relating to cyber operations activities
(whether or not relating to the cyber command):

“(A) Developing strategy, doctrine, and tactics.

“(B) Preparing and submitting to the Secretary
of Defense program recommendations and budget
proposals for cyber operations forces and for other
forces assigned to the cyber command.

“(C) Exercising authority, direction, and con-
trol over the expenditure of funds—

“(i) for forces assigned directly to the
cyber command; and
“(ii) for cyber operations forces assigned to unified combatant commands other than the cyber command, with respect to all matters covered by section 807 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 114–92; 129 Stat. 886; 10 U.S.C. 2224 note) and, with respect to a matter not covered by such section, to the extent directed by the Secretary of Defense.

“(D) Training assigned forces.

“(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(F) Validating requirements.

“(G) Establishing priorities for requirements.

“(H) Ensuring the interoperability of equipment and forces.

“(I) Formulating and submitting requirements for intelligence support.

“(J) Monitoring the promotions, assignments, retention, training, and professional military education of cyber operations forces officers.

“(3) The commander of the cyber command shall be responsible for—

“(A) ensuring the combat readiness of forces assigned to the cyber command; and
“(B) monitoring the preparedness to carry out assigned missions of cyber forces assigned to unified combatant commands other than the cyber command.

“(C) The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the cyber operations command and such other inspector general functions as may be assigned.

“(f) INTELLIGENCE AND SPECIAL ACTIVITIES.—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“169. Unified combatant command for cyber operations.”.

SEC. 912. REVISION OF REQUIREMENTS RELATING TO LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) MINIMUM LENGTH OF ASSIGNMENT.—Section 664(a) of title 10, United States Code, is amended by
striking “assignment—” and paragraphs (1) and (2) and inserting “assignment shall not be less than two years.”.

(b) Repeal of Requirements Relating to Initial Assignment of Certain Officers and Average Tour Lengths.—Section 664 of title 10, United States Code, is amended by striking subsections (c) and (e).

(c) Exclusions From Tour Length.—Section 664(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking in subparagraph (D) and inserting the following new subparagraph:

“(D) a qualifying reassignment from a joint duty assignment as prescribed by the Secretary of Defense by regulation.”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(d) Full Tour of Duty.—Section 664(f) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “prescribed in” and inserting “prescribed under”;

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively; and
(4) by redesignating paragraph (6) as paragraph (4), and in that paragraph, by striking ‘‘, but not less than two years’’.

(e) CONSTRUCTIVE CREDIT.—Section 664(h) of title 10, United States Code, is amended—

(1) by striking ‘‘(1) The Secretary of Defense may accord’’ and inserting ‘‘The Secretary of Defense may award’’; and

(2) by striking paragraph (2).

(f) CLERICAL AND CONFORMING AMENDMENTS.—Section 664 of title 10, United States Code, is further amended—

(1) by redesignating subsections (d), (f), (g), and (h) as subsections (e), (d), (e), and (f), respectively;

(2) in subsection (e), as redesignated, by striking ‘‘subsection (f)(3)’’ and inserting ‘‘subsection (d)(2)’’;

(3) in subsection (d), as redesignated, by striking ‘‘subsection (g)’’ and inserting ‘‘subsection (e)’’;

(4) in subsection (e), as redesignated, by striking ‘‘ subsection (f)(3)’’ and inserting ‘‘ subsection (d)(2)’’; and
(5) in subsection (f), as redesignated, by striking “paragraphs (1), (2), and (4) of subsection (f)” and inserting “subsection (d)(1)”.

SEC. 913. REVISION OF DEFINITIONS USED FOR JOINT OFFICER MANAGEMENT.

(a) Definition of Joint Matters.—Paragraph (1) of section 668(a) of title 10, United States Code, is amended to read as follows:

“(1) In this chapter, the term ‘joint matters’ means matters related to any of the following:

“(A) The development or achievement of strategic objectives through the synchronization, coordination, and organization of integrated forces in operations conducted across domains, such as land, sea, or air, in space, or in the information environment, including matters relating to any of the following:

“(i) National military strategy.

“(ii) Strategic planning and contingency planning.

“(iii) Command and control, intelligence, fires, movement and maneuver, protection or sustainment of operations under unified command.

“(iv) National security planning with other departments and agencies of the United States.
“(v) Combined operations with military forces of allied nations.

“(B) Acquisition matters conducted by members of the armed forces and covered under chapter 87 of this title involved in developing, testing, contracting, producing, or fielding of multi-service programs or systems.

“(C) Other matters designated in regulation by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff.”

(b) Definition of Integrated Forces.—Section 668(a)(2) of title 10, United States Code, is amended in the matter preceding subparagraph (A)—

(1) by striking “integrated military forces” and inserting “integrated forces”; and

(2) by striking “the planning or execution (or both) of operations involving” and inserting “achieving unified action with”.

c) Definition of Joint Duty Assignment.—Section 668(b)(1) of title 10, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph:

“(A) shall be limited to assignments in which—

“(i) the preponderance of the duties of the officer involve joint matters and
“(ii) the officer gains significant experience in joint matters; and”.

(d) **REPEAL OF DEFINITION OF CRITICAL OCCUPATIONAL SPECIALITY.**—Section 668 of title 10, United States Code, is amended by striking subsection (d).

**SEC. 914. INDEPENDENT ASSESSMENT OF COMBATANT COMMAND STRUCTURE.**

(a) **ASSESSMENT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent entity with appropriate expertise to conduct an assessment on combatant command structure, and to provide recommendations for improving the overall effectiveness of combatant command structures.

(b) **ELEMENTS.**—The assessment shall include an examination of the following:

(1) The evolution of combatant command requirements and resources over the last 15 years of conflict.

(2) The organization, composition, and size of combatant commands.

(3) The resources of combatant commands, including the degree to which combatant commands are adequately resourced and the degree to which
combatant command requirements for forces are met.

(4) The benefits, drawbacks, and resource implications of eliminating, consolidating, or altering the structure of combatant commands.

(5) A comparison of combatant command structures with alternative structures, including Joint Task Force or task-organized forces below the combatant command level.

(c) REPORT.—Not later than March 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the findings and recommendations of the independent entity.

Subtitle B—Other Matters

SEC. 921. MODIFICATIONS TO CORROSION REPORT.

(a) MODIFICATIONS TO REPORT TO CONGRESS.—Section 2228(e)(1) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting after “2009” the following: “and ending with the budget submitted on or before January 31, 2021”;

(2) by amending subparagraph (B) to read as follows:
“(B) The estimated composite return on investment achieved by implementing the strategy, and documented in the assessments by the Department of Defense of completed corrosion projects and activities.”;

(3) by amending subparagraph (D) to read as follows:

“(D) If the full amount of funding requirements is not requested in the budget, the reasons for not including the full amount and a description of the impact on readiness, logistics, and safety of not fully funding required corrosion prevention and mitigation activities”; and

(4) in subparagraph (F), by striking “pilot”.

(b) REPORT TO DIRECTOR OF CORROSION POLICY AND OVERSIGHT.—Section 2228(e)(2) of such title is amended—

(1) by inserting “(A)” before “Each report”;

(2) by striking “a copy of” and all that follows through the period and inserting “a summary of the most recent report required by subparagraph (B)”;

and

(3) by adding at the end the following new sub-

paragraph:
“(B) Not later than December 31 of each year, through December 31, 2020, the corrosion control and prevention executive of a military department shall submit to the Director of Corrosion Policy and Oversight a report containing recommendations pertaining to the corrosion control and prevention program of the military department. Such report shall include recommendations for the funding levels necessary for the executive to carry out the duties of the executive under this section. The report required under this subparagraph shall—

“(i) provide a summary of key accomplishments, goals, and objectives of the corrosion control and prevention program of the military department; and

“(ii) include the performance measures used to ensure that the corrosion control and prevention program achieved the goals and objectives described in clause (i).”.

(e) CONFORMING REPEAL.—Section 903(b) of Public Law 110–417 (10 U.S.C. 2228 note) is amended by striking paragraph (5).
SEC. 922. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEM-
BERS AT JOINT SPECIAL OPERATIONS UNI-
VERSITY.

Section 1595(c) of title 10, United States Code, is
amended by adding at the end the following new para-
graph:

“(5) The Joint Special Operations University.”.

SEC. 923. GUIDELINES FOR CONVERSION OF FUNCTIONS
PERFORMED BY CIVILIAN OR CONTRACTOR
PERSONNEL TO PERFORMANCE BY MILITARY
PERSONNEL.

Section 129a of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(g) GUIDELINES FOR PERFORMANCE OF CERTAIN
FUNCTIONS BY MILITARY PERSONNEL.—(1) Except as
provided in paragraph (2), no functions performed by ci-
vilian personnel or contractors may be converted to per-
formance by military personnel unless—

“(A) there is a direct link between the functions
to be performed and a military occupational spe-
cialty; and

“(B) the conversion to performance by military
personnel is cost effective, based on Department of
Defense instruction 7041.04 (or any successor ad-
ministrative regulation, directive, or policy).
“(2) Paragraph (1) shall not apply to the following functions:

“(A) Functions required by law or regulation to be performed by military personnel.

“(B) Functions related to—

“(i) missions involving operation risks and combatant status under the Law of War;

“(ii) specialized collective and individual training requiring military-unique knowledge and skills based on recent operational experience;

“(iii) independent advice to senior civilian leadership in the Department of Defense requiring military-unique knowledge and skills based on recent operational experience; and

“(iv) command and control arrangements under chapter 47 of this title (the Uniform Code of Military Justice).”.

SEC. 924. PUBLIC RELEASE BY INSPECTORS GENERAL OF REPORTS OF MISCONDUCT.

(a) Release of Inspector General of the Department of Defense Administrative Misconduct Reports.—Section 141 of title 10, United States Code, is amended by adding at the end the following new subsection:
“(c) Within 60 days after issuing a final report, the Inspector General of the Department of Defense shall publicly release any reports of administrative investigations that confirm misconduct, including violations of Federal law and violations of policies of the Department of Defense, of members of the Senior Executive Service, individuals who are employed in positions of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations, or commissioned officers in the Armed Forces in pay grades O–6 promotable and above. In releasing the reports, the Inspector General shall ensure that information that would be protected under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’), or section 6103 of the Internal Revenue Code of 1986 is not disclosed.”.

(b) Release of Inspector General of the Army Administrative Misconduct Reports.—Section 3020 of such title is amended by adding at the end the following new subsection:

“(f) Within 60 days after issuing a final report, the Inspector General of the Army shall publicly release any reports of administrative investigations that confirm misconduct, including violations of Federal law and violations
of policies of the Department of Defense, of members of
the Senior Executive Service, individuals who are em-
ployed in positions of a confidential or policy-determining
character under schedule C of subpart C of part 213 of
title 5 of the Code of Federal Regulations, or commis-
sioned officers in the Armed Forces in pay grades O–6
promotable and above. In releasing the reports, the In-
spector General shall ensure that information that would
be protected under section 552 of title 5 (commonly known
as the ‘Freedom of Information Act’), section 552a of title
5 (commonly known as the ‘Privacy Act of 1974’), or sec-
tion 6103 of the Internal Revenue Code of 1986 is not
disclosed.’”.

(e) Release of Naval Inspector General Ad-
iministrative Misconduct Reports.—Section 5020 of
such title is amended by adding at the end the following
new subsection:

“(e) Within 60 days after issuing a final report, the
Naval Inspector General shall publicly release any reports
of administrative investigations that confirm misconduct,
including violations of Federal law and violations of poli-
cies of the Department of Defense, of members of the Sen-
ior Executive Service, individuals who are employed in po-
sitions of a confidential or policy-determining character
under schedule C of subpart C of part 213 of title 5 of
the Code of Federal Regulations, or commissioned officers
in the Armed Forces in pay grades O–6 promotable and
above. In releasing the reports, the Naval Inspector Gen-
eral shall ensure that information that would be protected
under section 552 of title 5 (commonly known as the
‘Freedom of Information Act’), section 552a of title 5
(commonly known as the ‘Privacy Act of 1974’), or section
6103 of the Internal Revenue Code of 1986 is not dis-
closed.”.

(d) Release of Inspector General of the Air
Force Administrative Misconduct Reports.—Sec-
tion 8020 of such title is amended by adding at the end
the following new subsection:

“(f) Within 60 days after issuing a final report, the
Inspector General of the Air Force shall publicly release
any reports of administrative investigations that confirm
misconduct, including violations of Federal law and viola-
tions of policies of the Department of Defense, of members
of the Senior Executive Service, individuals who are em-
ployed in positions of a confidential or policy-determining
character under schedule C of subpart C of part 213 of
title 5 of the Code of Federal Regulations, or commis-
sioned officers in the Armed Forces in pay grades O–6
promotable and above. In releasing the reports, the In-
spector General shall ensure that information that would
be protected under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’), or section 6103 of the Internal Revenue Code of 1986 is not disclosed.”.

SEC. 925. MODIFICATIONS TO REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

(a) LIMITATION OF DEFENSE POW/MIA ACCOUNTING AGENCY TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting “from past conflicts” after “matters relating to missing persons”;

(2) in paragraph (2)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B), (C), (D), (E), and (F) as subparagraphs (A), (B), (C), (D), and (E), respectively; and

(C) by inserting “from past conflicts” after “missing persons” each place it appears;

(3) in paragraph (4)—
(A) by striking “for personal recovery (including search, rescue, escape, and evasion) and”; and

(B) by inserting “from past conflicts” after “missing persons”; and

(4) by striking paragraph (5).

(b) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—Section 1505(c) of such title is amended by striking “designated Agency Director” in paragraphs (1), (2), and (3) and inserting “Secretary of Defense”.

(c) DEFINITION OF “ACCOUNTED FOR”.—Section 1513(3)(B) of such title is amended by inserting “to the extent practicable” after “are recovered”.

Subtitle C—Department of the Navy and Marine Corps


(a) Redesignation of Military Department.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) Redesignation of Secretary and Other Statutory Offices.—
(1) **SECRETARY.**—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) **OTHER STATUTORY OFFICES.**—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

**SEC. 932. CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.**

(a) **DEFINITION OF “MILITARY DEPARTMENT”.**— Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

“(8) The term ‘military department’ means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.”.

(b) **ORGANIZATION OF DEPARTMENT.**—The text of section 5011 of such title is amended to read as follows:

“‘The Department of the Navy and Marine Corps is sepa-
rately organized under the Secretary of the Navy and Marine Corps.”.

(c) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking “There is a Secretary of the Navy” and inserting “There is a Secretary of the Navy and Marine Corps”.

(d) CHAPTER HEADINGS.—

(1) The heading of chapter 503 of such title is amended to read as follows:

“CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS”.

(2) The heading of chapter 507 of such title is amended to read as follows:


(e) OTHER AMENDMENTS.—

(1) Title 10, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear other than as specified in subsections (a), (b), (c), and (d) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respec-
tively, in each case with the matter inserted to be in
the same typeface and typestyle as the matter stricken.

(2)(A) Sections 5013(f), 5014(b)(2), 5016(a),
5017(2), 5032(a), and 5042(a) of such title are
amended by striking “Assistant Secretaries of the
Navy” and inserting “Assistant Secretaries of the
Navy and Marine Corps”.

(B) The heading of section 5016 of such title,
and the item relating to such section in the table of
sections at the beginning of chapter 503 of such
title, are each amended by inserting “and Marine
Corps” after “of the Navy”, with the matter in-
serted in each case to be in the same typeface and
typestyle as the matter amended.

SEC. 933. OTHER PROVISIONS OF LAW AND OTHER REF-
ERENCES.

(a) Title 37, United States Code.—Title 37,
United States Code, is amended by striking “Department
of the Navy” and “Secretary of the Navy” each place they
appear and inserting “Department of the Navy and Ma-
rine Corps” and “Secretary of the Navy and Marine
Corps”, respectively.

(b) Other References.—Any reference in any law
other than in title 10 or title 37, United States Code, or
in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in section 2(b) shall be considered to be a reference to that officer as redesignated by that section.

SEC. 934. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS
Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.
(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.
(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REQUIREMENT TO TRANSFER FUNDS FROM DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND TO THE TREASURY.

(a) TRANSFER REQUIRED.—During fiscal year 2017, the Secretary of Defense shall transfer, from amounts available in the Department of Defense Acquisition Workforce Development Fund from amounts credited to the Fund pursuant to section 1705(d)(2) of title 10, United States Code, $475,000,000 to the Secretary of the Treasury for deposit in the general fund of the Treasury.

(b) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to any other transfer authority contained in this Act.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF FOREIGN GOVERNMENTS.

Section 1033(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1012...

SEC. 1012. SECRETARY OF DEFENSE REVIEW OF CURRICULA AND PROGRAM STRUCTURES OF NATIONAL GUARD COUNTERDRUG SCHOOLS.


(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) CURRICULUM REVIEW.—The Secretary of Defense may review and approve the curriculum and program structure of each school established under this section.”.

(b) Technical Amendment.—Subsection (d)(1) of such section is amended by striking “section 112(b) of that title 32” and inserting “section 112(b) of title 32”.

SEC. 1013. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERROISM CAMPAIGN IN COLOMBIA.

108–375; 118 Stat. 2042), as most recently amended by section 1011(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962), is further amended—

(1) in subsection (a), by striking “2017” and inserting “2018”; and

(2) in subsection (c), by striking “2017” and inserting “2018”.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. DEFINITION OF SHORT-TERM WORK WITH RESPECT TO OVERHAUL, REPAIR, OR MAINTENANCE OF NAVAL VESSELS.

Section 7299a(c)(4) of title 10, United States Code, is amended by striking “six months” and inserting “10 months”.

SEC. 1022. WARRANTY REQUIREMENTS FOR SHIPBUILDING CONTRACTS.

(a) In General.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7318. Warranty requirements for shipbuilding contracts

“(a) REQUIREMENT.—A contracting officer for a contract for which funds are expended from the Ship-
building and Conversion, Navy account shall require, as a condition of the contract, that the work performed under the contract is covered by a warranty for a period of at least one year.

“(b) WAIVER.—If the contracting officer for a contract covered by the requirement under subsection (a) determines that a limited liability of warranted work is in the best interest of the Government, the contracting officer may agree to limit the liability of the work performed under the contract to a level that the contracting officer determines is sufficient to protect the interests of the Government and in keeping with historical levels of warranted work on similar vessels.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7318. Warranty requirements for shipbuilding contracts.”.

SEC. 1023. NATIONAL SEA-BASED DETERRENCE FUND.

(a) TRANSFER AUTHORITY.—Section 1022(b)(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3487), as amended by section 1022(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking “or 2017” and inserting “2017, or 2018”.

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May 3, 2016 (4:48 p.m.)
(b) Authority for Multiyear Procurement of Critical Components to Support Continuous Production.—Section 2218a of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) Authority for Multiyear Procurement of Critical Components to Support Continuous Production.—(1) To implement the continuous production of critical components, the Secretary of the Navy may use funds deposited in the Fund, in conjunction with funds appropriated for the procurement of other nuclear-powered vessels, to enter into one or more multiyear contracts (including economic ordering quantity contracts), for the procurement of critical contractor-furnished and Government-furnished components for national sea-based deterrent vessels. The authority under this subsection extends to the procurement of equivalent critical parts, components, systems, and subsystems common with and required for other nuclear-powered vessels.

“(2) Any contract entered into pursuant to paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject
to the availability of appropriations for that purpose and
that the total liability to the Government for the termi-
nation of the contract shall be limited to the total amount
of funding obligated for the contract as of the date of the
termination.”.

(c) Definition of National Sea-based Deter-
rence Vessel.—Subsection (k)(2) of such section, as re-
designated by subsection (b), is amended—

(1) by striking “any vessel” and inserting “any
submersible vessel constructed or purchased after
fiscal year 2016 that is”; and

(2) by inserting “and” before “that carries”.

SEC. 1024. AVAILABILITY OF FUNDS FOR RETIREMENT OR

INACTIVATION OF TICONDEROGA-CLASS

CRUISERS OR DOCK LANDING SHIPS.

(a) Limitation on Retirement or Inactiva-
tion.—None of the funds authorized to be appropriated
by this Act or otherwise made available for the Depart-
ment of Defense for fiscal year 2017 may be obligated or
expended—

(1) to retire, prepare to retire, or inactivate a
cruiser or dock landing ship; or

(2) to place in a modernization status more
than six cruisers and one dock landing ship identi-
fied in section 1026(a)(2) of the Carl Levin and

(b) Hull, Mechanical, and Electrical Modernization.—Not more than 75 percent of the funds made available for the Office of the Secretary of Defense for fiscal year 2017 may be obligated until the Secretary of the Navy—

(1) enters into a contract for the modernization industrial period associated with four cruisers and one dock landing ship referred to in section 1026(a)(2) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3490); and

(2) enters into a contract for the procurement of combat systems upgrades associated with six such cruisers and one such dock landing ship.

SEC. 1025. RESTRICTIONS ON THE OVERHAUL AND REPAIR OF VESSELS IN FOREIGN SHIPYARDS.

(a) In General.—Section 7310(b)(1) of title 10, United States Code, is amended—

(1) by striking “In the case” and inserting “(A) Except as provided in subparagraph (B), in the case”;

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(2) by striking “during the 15-month” and all
that follows through “United States);”;

(3) by inserting before the period at the end the
following: “, other than in the case of voyage re-
pairs”; and

(4) by adding at the end the following new sub-
paragraph:

“(B) The Secretary of the Navy may waive the appli-
cation of subparagraph (A) to a contract award if the Sec-
retary determines that the waiver is essential to the na-
tional security interests of the United States.”.

(b) EFFECTIVE DATE.—The amendments made by
subsection (a) shall take effect on the later of the following
dates:

(1) The date of the enactment of the National

(2) October 1, 2017.

Subtitle D—Counterterrorism

SEC. 1031. FREQUENCY OF COUNTERTERRORISM OPER-
ATIONS BRIEFINGS.

(a) In General.—Subsection (a) of section 485 of
title 10, United States Code is amended by striking “quar-
terly” and inserting “monthly”.

(b) Section Heading.—The section heading for such section is amended by striking “Quarterly” and inserting “Monthly”.

(c) Clerical Amendment.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

“485. Monthly counterterrorism operations briefings.”.

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA TO THE UNITED STATES.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.
SEC. 1033. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S. C. 801 note).
SEC. 1034. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense may be used during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay, Cuba, to the custody or control of any country, or any entity within such country, as follows:

(1) Libya.

(2) Somalia.

(3) Syria.

(4) Yemen.

SEC. 1035. PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No amounts authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2017 may be used—
(1) to close or abandon United States Naval Station, Guantanamo Bay, Cuba;

(2) to relinquish control of Guantanamo Bay to the Republic of Cuba; or

(3) to implement a material modification to the Treaty Between the United States of America and Cuba signed at Washington, D.C. on May 29, 1934, that constructively closes United States Naval Station, Guantanamo Bay.

SEC. 1036. MODIFICATION OF CONGRESSIONAL NOTIFICATION OF SENSITIVE MILITARY OPERATIONS.

Section 130f of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting “no later than 48 hours” after “under this title”; and

(B) in the second sentence, by inserting “and the National Defense Authorization Act for Fiscal Year 2017” before the period at the end; and

(2) by striking subsection (d) and inserting the following:
“(d) SENSITIVE MILITARY OPERATION DEFINED.—

In this section, the term ‘sensitive military operation’ means an operation—

“(1) conducted by the United States armed forces outside the United States, whether conducted by the United States acting alone or cooperatively;

“(2) conducted pursuant to—

“(A) the Authorization for the Use of Military Force (Public Law 107–40; 50 U.S.C. 1541); or

“(B) any other authority except—

“(i) a declaration of war; or

“(ii) a specific statutory authorization for the use of force other than the authorization referred to in subparagraph (A);

“(3) conducted outside a theater of major hostilities; and

“(4) that is either—

“(A) a lethal operation;

“(B) a capture operation; or

“(C) an activity of self-defense, collective self defense, or in defense of a foreign partner during a cooperative operation.”.
SEC. 1037. COMPREHENSIVE STRATEGY FOR DETENTION
OF CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Not later than July 19, 2017, the
Secretary of Defense shall, in consultation with the Attorney
General and the Director of National Intelligence,
submit to the appropriate congressional committees a re-
port setting forth the details of a comprehensive strategy
for the detention of current and future individuals cap-
tured and held pursuant to the Authorization for Use of
Military Force (Public Law 107–40) pending the end of
hostilities.

(b) COMPREHENSIVE STRATEGY.—The comprehen-
sive detention strategy required by subsection (a) shall
contain the following:

(1) A policy and plan applicable to individuals
lawfully detained under the effective control of the
United States.

(2) A description of how intelligence informa-
tion is currently gathered from individuals captured
in theaters of combat operation.

(3) A plan for the disposition of individuals
captured in the future.

(4) A description of how the United States will
acquire intelligence information in the future.

(5) A plan for the disposition of individuals
held pursuant to the Authorization for Use of Mili-
tary Force who are currently detained at the United States Naval Base, Guantanamo Bay, Cuba.

(c) FORM.—The comprehensive detention strategy required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

Subtitle E—Miscellaneous Authorities and Limitations

SEC. 1041. EXPANDED AUTHORITY FOR TRANSPORTATION BY THE DEPARTMENT OF DEFENSE OF NON-DEPARTMENT OF DEFENSE PERSONNEL AND CARGO.

(a) TRANSPORTATION OF ALLIED AND CIVILIAN PERSONNEL AND CARGO.—Subsection (c) of section 2649 of title 10, United States Code, is amended—
(1) in the subsection heading, by striking “PERSONNEL” and inserting “AND CIVILIAN PERSONNEL AND CARGO”; 

(2) by striking “Until January 6, 2016, when” and inserting “When”; and 

(3) by striking “allied forces or civilians”, and inserting “allied and civilian personnel and cargo”. 

(b) COMMERCIAL INSURANCE.—Such section is further amended by adding at the end the following new sub-

section:

“(d) COMMERCIAL INSURANCE.—The Secretary may enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper’s cargo. Any such contract or arrangement shall provide that—

“(1) any insurance premium is collected by the commercial provider;

“(2) any claim for loss or damage is processed and paid by the commercial provider;

“(3) the commercial provider agrees to hold the United States harmless and waive any recourse against the United States for amounts paid to an insured as a result of a claim; and

(1) in the subsection heading, by striking “PERSONNEL” and inserting “AND CIVILIAN PERSONNEL AND CARGO”; 

(2) by striking “Until January 6, 2016, when” and inserting “When”; and 

(3) by striking “allied forces or civilians”, and inserting “allied and civilian personnel and cargo”. 

(b) COMMERCIAL INSURANCE.—Such section is further amended by adding at the end the following new sub-

section:

“(d) COMMERCIAL INSURANCE.—The Secretary may enter into a contract or other arrangement with one or more commercial providers to make insurance products available to non-Department of Defense shippers using the Defense Transportation System to insure against the loss or damage of the shipper’s cargo. Any such contract or arrangement shall provide that—

“(1) any insurance premium is collected by the commercial provider;

“(2) any claim for loss or damage is processed and paid by the commercial provider;

“(3) the commercial provider agrees to hold the United States harmless and waive any recourse against the United States for amounts paid to an insured as a result of a claim; and
“(4) the contract between the commercial provider and the insured shall contain a provision whereby the insured waives any claim against the United States for loss or damage that is within the scope of enumerated risks covered by the insurance product.”.

(c) Conforming Cross-reference Amendments.—Subsection (b) of such section is amended by striking “this section” both places it appears and inserting “subsection (a)”.

SEC. 1042. LIMITATION ON RETIREMENT, DEACTIVATION, OR DECOMMISSIONING OF MINE COUNTER-MEASURES SHIPS.

Section 1090 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 111–92; 129 Stat. 1016) is amended by striking subsection (b) and inserting the following:

“(b) Limitation on Retirement of MCM Ships.—

“(1) In general.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of the Navy for fiscal year 2017 may be obligated or expended to retire, deactivate, decommission, to prepare to retire, deactivate, decommission, or to place in storage
backup inventory or reduced operating status any
MCM-1 class ship.

“(2) WAIVER AUTHORITY.—

“(A) IN GENERAL.—The Secretary of the
Navy may waive the limitation under paragraph
(1) with respect to any MCM-1 class ship if the
Secretary provides to the congressional defense
committees certification that the operational
test and evaluation for replacement capabilities
for the ship is complete and such capabilities
are available in sufficient quantities to ensure
sufficient mine countermeasures capacity is
available to meet requirements as set forth in
the Join Strategic Capabilities Plan, the cam-
paign plans of the combatant commanders, and
the Navy’s Force Structure Assessment.

“(B) REPORT.—The first time the Sec-
retary of the Navy exercises the waiver author-
ity under subparagraph (A), the Secretary shall
submit to the congressional defense committees
a report that includes—

“(i) the recommendations of the Sec-
retary regarding MCM force structure;

“(ii) the recommendations of the Sec-
retary regarding how to ensure the oper-
ational effectiveness of the surface MCM force through 2025 based on current capabilities and capacity, replacement schedules, and service life extensions or retirement schedules;

“(iii) an assessment of the MCM vessels, including the decommissioned MCM-1 and MCM-2 ships and the potential of such ships for reserve operating status;

and

“(iv) an assessment of the Littoral Combat Ship MCM mission package increment one performance against the initial operational test and evaluation criteria.”.

SEC. 1043. EXTENSION OF AUTHORITY OF SECRETARY OF TRANSPORTATION TO ISSUE NON-PREMIUM AVIATION INSURANCE.

Section 44310(b) of title 49, United States Code, is amended by striking “December 31, 2018” and inserting “December 31, 2019”.

SEC. 1044. EVALUATION OF NAVY ALTERNATE COMBINATION COVER AND UNISEX COMBINATION COVER.

(a) MANDATORY POSSESSION OR WEAR DATE.—The Secretary of the Navy shall change the mandatory posses-
sion or wear date of the alternate combination cover or
the unisex combination cover from October 31, 2016, to

(b) **Evaluation and Report.**—The Secretary of
the Navy may not implement or enforce any change to
Navy female service dress uniforms until the Secretary
submits to the Committees on Armed Services of the Sen-
ate and House of Representatives a report on the evalua-
tion of the Navy female service dress uniforms. Such eval-
uation shall include each of the following:

(1) An identification of the operational need ad-
dressed by the alternate combination cover or the
unisex combination cover.

(2) An assessment of the individual cost of
service dress uniform items to members of the
Armed Forces as a percentage of their monthly pay.

(3) The composition of each uniform item’s
wear test group.

(4) An identification of the costs to the Navy
and to individual members of the Armed Forces for
uniform changes identified in the Navy administra-
tive message 236/15 dated October 9, 2015.

(5) The opinions of female members of the
Navy active and reserve components.
SEC. 1045. DEPARTMENT OF DEFENSE PROTECTION OF NATIONAL SECURITY SPECTRUM.

(a) EVALUATION.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly evaluate—

(1) the statutory and regulatory options available to the Secretary and the Chairman to protect critical test and training capability in the event of spectrum auctions affecting frequencies used by the Department of Defense; and

(2) the utility, effect, and limitation, if any, of section 1062 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 767).

(b) SUBMISSION.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Chairman shall submit to the congressional defense committees the evaluation under subsection (a), including any recommendations of the Secretary and the Chairman for additional statutory or regulatory options that would enhance the ability of the Secretary and the Chairman to protect national security equities.
SEC. 1046. TRANSPORTATION ON MILITARY AIRCRAFT ON A
SPACE-AVAILABLE BASIS FOR MEMBERS AND
FORMER MEMBERS OF THE ARMED FORCES
WITH DISABILITIES RATED AS TOTAL.

(a) AVAILABILITY OF TRANSPORTATION.—Section
2641b of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the follow-

"(f) SPECIAL PRIORITY FOR CERTAIN DISABLED
VETERANS.—(1) The Secretary of Defense shall provide
transportation on scheduled and unscheduled military
flights within the continental United States and on sched-
uled overseas flights operated by the Air Mobility Com-
mand on a space-available basis for any member or former
member of the armed forces with a disability rated as total
on the same basis as such transportation is provided to
members of the armed forces entitled to retired or retainer
pay.

“(2) The transportation priority required by para-
graph (1) for veterans described in such paragraph applies
whether or not the Secretary establishes the travel pro-
gram authorized by this section."
“(3) In this subsection, the term ‘disability rated as total’ has the meanings given that term in section 1414(c)(3) of this title.”.

(b) EFFECTIVE DATE.—Subsection (f) of section 2641b of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 1047. NATIONAL GUARD FLYOVERS OF PUBLIC EVENTS.

(a) STATEMENT OF POLICY.—It shall be the policy of the Department of Defense that flyovers of public events in support of community relations activities may only be flown as part of an approved training mission at no additional expense to the Federal Government.

(b) NATIONAL GUARD FLYOVER APPROVAL PROCESS.—The Adjutant General of a State in which an Army National Guard or Air National Guard unit is based will be the approval authority for all Air National Guard and Army National Guard flyovers in that State, including any request for a flyover in any civilian domain at a nonaviation related event.

(c) FLYOVER RECORD MAINTENANCE; REPORT.—

(1) RECORD MAINTENANCE.—The Secretary of Defense shall keep and maintain records of flyover
requests and approvals in a publicly accessible database that is updated annually.

(2) GAO REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on flyovers and the process whereby flyover requests are made and evaluated, including—

(A) whether there is any cost to taxpayers associated with flyovers;

(B) whether there is any appreciable public relations or recruitment value that comes from flyovers; and

(C) the impact flyovers have to aviator training and readiness.

(d) FLYOVER DEFINED.—In this section, the term “flyover” means aviation support—

(1) in which a straight and level flight limited to one pass by a single military aircraft, or by a single formation of four or fewer military aircraft of the same type, from the same military department over a predetermined point on the ground at a specific time;
(2) that does not involve aerobatics or demonstrations; and

(3) uses bank angles of up to 90 degrees if required to improve the spectator visibility of the aircraft.

Subtitle F—Studies and Reports

SEC. 1061. TEMPORARY CONTINUATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

(a) EXCEPTIONS TO REPORTS TERMINATION PROVISION.—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does not apply to any report required to be submitted to Congress by the Department of Defense, or by any officer, official, component, or element of the Department, pursuant to a provision of law specified in this section, notwithstanding the enactment of the reporting requirement by an annual national defense authorization Act or the inclusion of the report in the list of reports prepared by the Secretary of Defense pursuant to subsection (e) of such section 1080.

(b) FINAL TERMINATION DATE FOR SUBMITTAL OF EXEMPTED REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each report required pursuant to a provi-
sion of law specified in this section that is still re-
quired to be submitted to Congress as of January
31, 2021, shall no longer be required to be sub-
mitted to Congress after that date.

(2) Reports exempted from termin-
ination.—The termination dates specified in para-
graph (1) and section 1080 of the National Defense
Authorization Act for Fiscal Year 2016 do not apply
to the following:

(A) The submission of the reports on the
National Military Strategy and Risk Assess-
ment under section 153(b)(3) of title 10,
United States Code.

(B) The submission of the future-years de-
defense program (including associated annexes)
under section 221 of title 10, United States
Code.

(C) The submission of the future-years
mission budget for the military programs of the
Department of Defense under section 221 of
such title.

(D) The submission of audits of con-
tracting compliance by the Inspector General of
the Department of Defense under section
1601(b) of the National Defense Authorization
Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2533a note)

(c) Reports Required by Title 10, United States Code.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of title 10, United States Code:

(1) Section 127b(f), relating to a report on the administration of Department of Defense rewards program against international terrorism.

(2) Section 127d(d), relating to a report on provision of logistic support, supplies, and services to allied forces participating in combined operations.

(3) Section 139(h), relating to a report on operational test and evaluation activities of the Department of Defense, including the report component required by section 2399(g) on operational test and evaluation of defense acquisition programs.

(4) Section 139b(d), relating to a report on activities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation.

(5) Sections 153(c), relating to a report on the requirements of the combatant commands.

(6) Section 179(f), relating to reports and assessments regarding nuclear stockpile and stockpile stewardship program.
(7) Section 196(d), relating to a report on the strategic plan reflecting the needs of the Department of Defense with respect to test and evaluation facilities and resources.

(8) Section 229, relating to submission of budget information regarding Department of Defense programs for combating terrorism.

(9) Section 231, relating to submission of naval vessel construction plan and related certification.

(10) Section 238, relating to submission of a budget justification display regarding cyber mission forces.

(11) Section 401(d), relating to a report on the provision of humanitarian and civic assistance in conjunction with military operations.

(12) Section 494(b), relating to a report on the nuclear weapons stockpile of the United States.

(13) Section 526(j), relating to a report on general officer and flag officer numbers.

(14) Section 981(c), relating to a report on enlisted aide numbers.

(15) Section 1557(e), relating to a report on any failure to achieve timeliness standard for disposition of applications before Corrections Boards.
(16) Section 2011(e), relating to a report on training of special operations forces with friendly foreign forces.

(17) Section 2166(i), relating to a report on the activities of the Western Hemisphere Institute for Security Cooperation.

(18) Section 2218(h), relating to submission of budget requests for the National Defense Sealift Fund.

(19) Section 2228(e), relating to a report on the long-term strategy and related matters regarding reducing corrosion and its effects on military equipment and infrastructure.

(20) Section 2229a, relating to a report on the status of materiel in the prepositioned stocks.

(21) Section 2249c(e), relating to a report on the administration of the Regional Defense Combating Terrorism Fellowship Program.

(22) Section 2275, relating to reports on major satellite acquisition programs, including report updates under subsection (f) of such section.

(23) Section 2276(e), relating to a report on the funds, services, and equipment accepted and used in connection with commercial space launch cooperation.
(24) Section 2445b, relating to submission of budget justification documents regarding major automated information system programs and other major information technology investment programs.

(25) Section 2464(d), relating to a report on core depot-level maintenance and repair capabilities.

(26) Section 2466(d), relating to a report on expenditures for performance of depot-level maintenance and repair workloads.

(27) Section 2561(c), relating to a report on the use of humanitarian assistance for providing transportation of humanitarian relief and for other humanitarian purposes.

(28) Section 2684a(g), relating to a report on projects undertaken under agreements to limit encroachments and other constraints on military training, testing, and operations.

(29) Section 2687a, relating to reports on the status of overseas closures and realignments and master plans, expenditures from the Department of Defense Overseas Facility Investment Recovery Account, and agreement of settlement with host countries regarding the release of facility improvements made by the United States.
(30) Section 2711, relating to a report on defense environmental programs.

(31) Sections 2831(e) and 2884(b)(4), relating to reports on quarters for general or flag officers.

(32) Sections 2884(b) and (c), relating to reports on the Department of Defense Housing Funds, provision of a basic allowance for housing to members of the Armed Forces living in military privatized housing, plans for housing privatization activities, and the status of oversight and accountability measures for military housing privatization projects.

(33) Section 2912(d), relating to a statement of the energy cost savings available for obligation.

(34) Section 2925, relating to reports on Department of Defense energy management and operational energy.

(35) Section 4721(e), relating to submission of a budget request and related materials regarding Army National Military Cemeteries.

(36) Section 7310(c), relating to a report on repairs and maintenance performed on certain naval vessels in a foreign shipyard.
Section 10541, relating to a report on equipment of the National Guard and other reserve components.

Section 10543, relating to a component of the future-years defense program regarding National Guard and other reserve components equipment procurement and military construction funding and associated annexes and report.

(d) Reports Required by National Defense Authorization Act for Fiscal Year 2015.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291):

(1) Section 232(e) (10 U.S.C. 2358 note), relating to a report on the pilot program on assignment to the Defense Advanced Research Projects Agency of certain private sector personnel.

(2) Section 546(d) (10 U.S.C. 1561 note), relating to a report on activities of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces.
(3) Section 1003 (10 U.S.C. 221 note), relating to reporting of balances carried forward by the Department of Defense at the end of each fiscal year.

(4) Section 1026(d) (128 Stat. 3490), relating to a report on the status of the modernization of Ticonderoga-class cruisers and dock landing ships.


(6) Section 1204(b) (10 U.S.C. 2249e note), relating to a report on administration of section 2249e of title 10, United States Code.

(7) Section 1205(e) (128 Stat. 3537), relating to a report on the assessment of programs carried out under section 2282(f) of title 10, United States Code.

(8) Section 1206(e) (10 U.S.C. 2282 note), relating to a report on the training of security forces and associated security ministries of foreign countries to promote respect for the rule of law and human rights.

(9) Section 1207(d) (10 U.S.C. 2342 note), relating to a report on loan of personnel protection
and personnel survivability equipment to military forces of foreign nations.

(10) Section 1211 (128 Stat. 3544), relating to a report on programs carried out by the Department of Defense to provide training, equipment, or other assistance or reimbursement to foreign security forces.

(11) Section 1225 (128 Stat. 3550), relating to a report on enhancing security and stability in Afghanistan.

(12) Section 1245 (128 Stat. 3566), relating to a report on military and security developments involving the Russian Federation.

(13) Section 2821(a)(3) (10 U.S.C. 2687 note), relating to notice of any adjustment to the funding limitation on implementation of the Record of Decision for the relocation of Marine Corps forces to Guam.

(e) Reports Required by National Defense Authorization Act for Fiscal Year 2014.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):
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(1) Section 704(e) (10 U.S.C. 1074 note), relating to a report on the pilot program on investiga-
tional treatment of members of the Armed Forces for traumatic brain injury and post-traumatic stress disorder.

(2) Sections 713(f), (g), and (h) (10 U.S.C. 1071 note), relating to providing a financial sum-
mary of efforts to develop interoperable electronic health records, updates on the progress of data shar-
ing, and information on executive committee activi-
ties.

(f) REPORTS REQUIRED BY NATIONAL DEFENSE Au-
thorization Act for Fiscal Year 2013.—Subject to
subsection (b), subsection (a) applies to reporting require-
ments contained in the following sections of the National Defense Authorization Act for Fiscal Year 2013 (Public
Law 112–239):

(1) Section 1009 (126 Stat. 1906), relating to a report on the use of funds in the Drug Interdici-
tion and Counter-Drug Activities, Defense-wide ac-
count.

(2) Section 1023 (126 Stat. 1911), relating to a report on recidivism of individuals who have been
detained at United States Naval Station, Guantanamo Bay, Cuba.
(g) **Reports Required by National Defense Authorization Act for Fiscal Year 2011.**—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383):

1. Section 123 (10 U.S.C. 167 note), relating to a report on use of combat mission requirements funds.
2. Section 1631(d) (10 U.S.C. 1561 note), relating to a report on sexual assaults involving members of the Armed Forces and improvement to sexual assault prevention and response program.

(h) **Reports Required by National Defense Authorization Act for Fiscal Year 2010.**—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following sections of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84):

1. Section 711(d) (10 U.S.C. 1071 note), relating to a report on the comprehensive policy on pain management by the Military Health Care System.
2. Section 1003(b) (10 U.S.C. 2222 note), relating to a report on implementation by the Depart-
ment of Defense of the Financial Improvement and Audit Readiness Plan.

(3) Section 1245 (123 Stat. 2542), relating to a report on military power of Iran.

(i) Reports Required by Other Laws.—Subject to subsection (b), subsection (a) applies to reporting requirements contained in the following provisions of law:


(4) Section 1405(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 801 note), relating to a report
on any modification made to the procedures for sta-
tus review of detainees outside the United States.

(5) Section 1017(e) of the John Warner Na-
tional Defense Authorization Act for Fiscal Year
2007 (Public Law 109–364; 10 U.S.C. 2631 note),
relating to a report regarding overhaul, repair, and
maintenance performed on certain vessels in the
United States.

(6) Section 1034(d) of the National Defense
Authorization Act for Fiscal Year 2008 (Public Law
110–181; 122 Stat. 309), relating to a report on the
provision of support for non-Federal development
and testing of material for chemical agent defense.

(7) Section 1236 of the National Defense Au-
thorization Act for Fiscal Year 2012 (Public Law
112–81; 125 Stat. 1641), relating to a report on
military and security developments involving the
Democratic People’s Republic of Korea.

(8) Section 103A(b)(3) of the Sikes Act (16
U.S.C. 670e–1(b)(3)), relating to a report on the
disposition of certain appropriated funds provided
under cooperative and interagency agreements for
land management on installations.

(9) Section 1511(h) of the Armed Forces Re-
tirement Home Act of 1991 (24 U.S.C. 411(h)), re-
lating to a report on the financial and other affairs
of the Armed Forces Retirement Home.

(10) Section 901(f) of the Office of National
Drug Control Policy Reauthorization Act of 2006
(Public Law 109–469; 32 U.S.C. 112 note), as
added by section 1008 of the National Defense Au-
thorization Act for Fiscal Year 2013 (Public Law
112–239), relating to a report on the activities of
the National Guard counterdrug schools.

(11) Section 14 of the Strategic and Critical
Materials Stock Piling Act (50 U.S.C. 98h–5), relat-
ing to a report on the requirements of the National
Defense Stockpile.

(12) Sections 1412(i) and (j) of the National
as amended by section 1421 of the Ike Skelton Na-
tional Defense Authorization Act for Fiscal Year
2011 (Public Law 111–383), relating to reports on
destruction of existing stockpile of lethal chemical
agents and munitions, including implementation by
the United States of its chemical weapons destruct-
ion obligations under the Chemical Weapons Con-
vention.

(13) Section 1703 of the National Defense Au-
-Thorization Act for Fiscal Year 1994 (50 U.S.C.
1523), relating to a report on chemical and biological warfare defense.


(15) Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20308(b)), as added by section 586 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), relating to a report on effectiveness of activities and utilization of certain procedures under Federal Voting Assistance Program.

(j) CONFORMING AMENDMENT.—Section 1080(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) is amended—

(1) by striking “on the date that is two years after the date of the enactment of this Act” and inserting “November 25, 2017”; and

(2) by striking “effective”.
SEC. 1062. MATTERS FOR INCLUSION IN REPORT ON DESIGNATION OF COUNTRIES FOR WHICH REWARDS MAY BE PAID UNDER DEPARTMENT OF DEFENSE REWARDS PROGRAM.

Section 127b(h) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting “and justification” after “reason”; and

(2) by amending paragraph (3) to read as follows:

“(3) An estimate of the amount or value of the rewards to be paid as monetary payment or payment-in-kind under this section.”.

SEC. 1063. CONGRESSIONAL NOTIFICATION OF BIOLOGICAL SELECT AGENT AND TOXIN THEFT, LOSS, OR RELEASE INVOLVING THE DEPARTMENT OF DEFENSE.

(a) NOTIFICATION REQUIREMENT.—Not later than 15 days after notice of any theft, loss, or release of a biological select agent or toxin involving the Department of Defense is provided to the Centers for Disease Control and Prevention or the Animal and Plant Health Inspection Service, as specified by section 331.19 of part 7 of the Code of Federal Regulations, the Secretary of Defense shall provide to the congressional defense committees notice of such theft, loss, or release.
(b) ELEMENTS.—Notice of a theft, loss, or release of a biological select agent or toxin under subsection (a) shall include each of the following:

1. The name of the agent or toxin and any identifying information, including the strain or other relevant characterization information.

2. An estimate of the quantity of the agent or toxin stolen, lost, or released.

3. The location or facility from which the theft, loss, or release occurred.

4. In the case of a release, any hazards posed by the release and the number of individuals potentially exposed to the agent or toxin.

5. Actions taken to respond to the theft, loss, or release.

SEC. 1064. REPORT ON SERVICE-PROVIDED SUPPORT TO UNITED STATES SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a written report on common service support contributed from each of the military services toward special operations forces. Such report shall include—
(1) detailed information about the resources allocated by each military service for combat support, combat service support, and base operating support for special operations forces; and

(2) an assessment of the specific effects that future manpower and force structure changes are likely to have on the capability of each of the military services to provide common service support to special operations forces.

(b) Annual Updates.—For each of fiscal years 2018 through 2020, the Secretary of Defense shall submit to the congressional defense committees an update to the report required under subsection (a).

c) Form of Report.—The report required under subsection (a) and each update provided under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1065. REPORT ON CITIZEN SECURITY RESPONSIBILITIES IN THE NORTHERN TRIANGLE OF CENTRAL AMERICA.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on military units that have been assigned to policing or
citizen security responsibilities in Guatemala, Honduras, and El Salvador.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include each of the following:

(1) The following information, as of the date of the enactment of this Act, with respect to military units assigned to policing or citizen security responsibilities in each of Guatemala, Honduras, and El Salvador:

(A) The proportion of individuals in each such country’s military who participate in policing or citizen security activities relative to the total number of individuals in that country’s military.

(B) Of the military units assigned to policing or citizen security responsibilities, the types of units conducting police activities.

(C) The role of the Department of Defense and the Department of State in training individuals for purposes of participation in such military units.

(D) The number of individuals who participated in such military units who received train-
ing by the Department of Defense, and the types of training they received.

(2) Any other information that the Secretary of Defense or the Secretary of State determines to be necessary to help better understand the relationships of the militaries of Guatemala, Honduras, and El Salvador to public security in such countries.

(3) A description of the plan of the United States to assist the militaries of Guatemala, Honduras, and El Salvador to carry out their responsibilities in a manner that adheres to democratic principles.

(e) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(d) Public Availability.—The unclassified matter of the report required by subsection (a) shall be posted on a publicly available Internet website of the Department of Defense and a publicly available Internet website of the Department of State.

(e) Appropriate Congressional Committees.—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representa-
tives and the Committee on Armed Services and the Com-
mittee on Foreign Relations of the Senate.

SEC. 1066. REPORT ON COUNTERPROLIFERATION ACTIVI-
TIES AND PROGRAMS.

(a) IN GENERAL.—The Secretary of Defense shall
submit to the congressional defense committees a biennial
report on the counterproliferation activities and programs
of the Department of Defense. The Secretary shall submit
the first such report by not later than May 1, 2017.

(b) MATTERS INCLUDED.—Each report required
under subsection (a) shall include each of the following:

(1) A complete list and assessment of existing
and proposed capabilities and technologies for sup-
sport of United States nonproliferation policy and
counterproliferation policy, with regard to—

(A) interdiction;

(B) elimination;

(C) threat reduction cooperation;

(D) passive defenses;

(E) security cooperation and partner ac-
tivities;

(F) offensive operations;

(G) active defenses; and

(H) weapons of mass destruction con-
sequence management.
(2) For the existing and proposed capabilities and technologies identified under paragraph (1), an identification of goals, a description of ongoing efforts, and recommendations for further enhancements.

(3) A complete description of requirements and priorities for the development and deployment of highly effective capabilities and technologies, including identifying areas for capability enhancement and deficiencies in existing capabilities and technologies.

(4) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options for meeting requirements and eliminating deficiencies, including the annual funding requirements and completion dates established for each such option.

(5) An outline of interagency activities and initiatives.

(6) Any other matters the Secretary considers appropriate.

(c) FORMS OF REPORT.—Each report under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.
(d) Termination of Requirement.—No report shall be required to be submitted under this section after January 31, 2021.

SEC. 1067. INCLUSION OF BALLISTIC MISSILE DEFENSE INFORMATION IN ANNUAL REPORT ON REQUIREMENTS OF COMBATANT COMMANDS.

(a) In General.—Paragraph (2)(A) of section 153(c) of title 10, United States Code, is amended by inserting before the period the following: “, including the integrated priorities list requirements for ballistic missile defense by the geographic combatant commands and the prioritized capabilities list for ballistic missile defense developed by the Commander of the United States Strategic Command”.

(b) Report Duration.—Paragraph (1) of such section is amended by striking “At or about” and inserting “During the period preceding January 31, 2021, at or about”.

SEC. 1068. REVIEWS BY DEPARTMENT OF DEFENSE CONCERNING NATIONAL SECURITY USE OF SPECTRUM.

(a) Review and Report to the Congressional Defense Committees.—Not later than one year after the date of the enactment of this Act, and every two years thereafter until January 31, 2021, the Secretary of De-
fense and the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report containing the results of a comprehensive review conducted by the Secretary and the Chairman of all uses by the Department of Defense of spectrum. Such review shall include the use of spectrum in military plans, training, test, and in military capabilities that are in development or have been fielded for any known or potential impacts of sharing or repurposing of spectrum used or allocated to be used by the Department of Defense that may be reallocated or shared pursuant to a spectrum auction, sharing arrangement, or other arrangement, or that is otherwise identified as part of the 10-year plan developed by the National Telecommunications and Information Administration, and whether there are known or possible mitigations in the event of reallocation or sharing that they recommend, including exclusion zones, equipment modifications, development or procurement of new technology, or any other mitigation they believe will protect Department of Defense use of such spectrum, including projected or estimated potential costs of the same, and whether such costs will be borne out of Defense of Defense total obligation authority.

(b) CERTIFICATION.—At the time of the submission of the report required under subsection (a), the Secretary...
and the Chairman shall both certify that they understand any potential impacts to Department of Defense use of spectrum that could result from a spectrum auction, reallocation, or sharing arrangement as of that date, and submit such certification to the congressional defense committees.

(c) REPORT OF NON-CONCURRENCE OR VETO.—The Secretary of Defense shall notify the congressional defense committees as to whether the Secretary has not concurred with or otherwise objected to the most recent version of the 10-year plan developed by the National Telecommunications and Information Administration not later than 30 days after the date of such non-concurrence or other objection.

(d) FUNDING WITHHELD.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff may not obligate more than 95 percent of the funding authorized to be appropriated to the Department of Defense for fiscal year 2017 for operation and maintenance for headquarters operations before the date that is 30 days after the date on which the report required by subsection (a) and the certification required under subsection (b) are submitted to the congressional defense committees.
SEC. 1069. ANNUAL REPORT ON PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS FOR THE NON-FEDERALIZED NATIONAL GUARD TO SUPPORT CIVILIAN AUTHORITIES IN PREVENTION AND RESPONSE TO DOMESTIC DISASTERS.

(a) ANNUAL REPORT REQUIRED.—Section 10504 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “REPORT.—” and inserting “REPORT ON STATE OF THE NATIONAL GUARD.—(1)”;

(2) by striking “(b) SUBMISSION OF REPORT TO CONGRESS.—” and inserting “(2)”;

(3) by striking “annual report of the Chief of the National Guard Bureau” and inserting “annual report required by paragraph (1)”;

(4) by adding at the end the following new subsection (b):

“(b) ANNUAL REPORT ON NON-FEDERALIZED SERVICE NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS.—(1) Not later than January 31 of each of calendar years 2017 through 2021, the Chief of the National Guard Bureau shall submit to the congressional defense committees and the officials specified in paragraph (5) a report setting forth the personnel, training, and equipment required by the National Guard
during the next fiscal year to carry out its mission, while
not Federalized, to provide prevention, protection mitigation, response, and recovery activities in support of civilian authorities in connection with natural and man-made disasters.

“(2) To determine the annual personnel, training, and equipment requirements of the National Guard referred to in paragraph (1), the Chief of the National Guard Bureau shall take into account, at a minimum, the following:

“(A) Core civilian capabilities gaps for the prevention, protection, mitigation, response, and recovery activities in connection with natural and man-made disasters, as collected by the Department of Homeland Security from the States.

“(B) Threat and hazard identifications and risk assessments of the Department of Defense, the Department of Homeland Security, and the States.

“(3) Personnel, training, and equipment requirements shall be collected from the States, validated by the Chief of the National Guard Bureau, and be categorized in the report required by paragraph (1) by each of the following:

“(A) Emergency support functions of the National Response Framework.
“(B) Federal Emergency Management Agency regions.

“(4) The annual report required by paragraph (1) shall be prepared in consultation with the chief executive of each State, other appropriate civilian authorities, and the Council of Governors.

“(5) In addition to the congressional defense committees, the annual report required by paragraph (1) shall be submitted to the following officials:

“(A) The Secretary of Defense.
“(B) The Secretary of Homeland Security.
“(C) The Council of Governors.
“(D) The Secretary of the Army.
“(E) The Secretary of the Air Force.
“(F) The Commander of the United States Northern Command.
“(G) The Commander of the United States Cyber Command.”.

(b) Clerical Amendments.—

(1) Section heading.—The heading of such section is amended to read as follows:

“§10504. Chief of the National Guard Bureau: annual reports”.

(2) Table of contents.—The table of sections at the beginning of chapter 1011 of title 10,
United States Code, is amended by striking the item relating to section 10504 and inserting the following new section:

“10504. Chief of the National Guard Bureau: annual reports.”.

Subtitle G—Other Matters

SEC. 1081. TECHNICAL AND CLERICAL AMENDMENTS.

(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) Section 130h is amended by striking “subsection (a) and (b)” both places it appears and inserting “subsections (a) and (b)”.

(2) Section 187(a)(2)(C) is amended by striking “Acquisition, Logistics, and Technology” and inserting “Acquisition, Technology, and Logistics”.

(3) Section 196(c)(1)(A)(ii) is amended by striking “section 139(i)” and inserting “section 139(j)”.

(4) Subsection (b)(1)(B) of section 1415, to be added by section 633(a)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 848), is amended by adding a period at the end of clause (ii).

(5) Section 1705(g)(1) is amended by striking “of of” and inserting “of”.

(6) Section 2222 is amended—
(A) in subsection (d)(1)(B), by inserting
“to” before “eliminate”;

(B) in subsection (g)(1)(E) by inserting
“the system” before “is in compliance”; and

(C) in subsection (i)(5), by striking “PRO-
GRAM” in the heading.

(b) Amendments Related to Elimination of
Title 50 Appendix.—

(1) Military Selective Service Act Cita-
tion Changes.—

(A) Title 10, United States Code.—

Title 10, United States Code, is amended as
follows:

(i) Section 101(d)(6)(B)(v) is amend-
460(b)(2))” and inserting “(50 U.S.C.
3809(b)(2))”.

(ii) Section 513(e) is amended—

451 et seq.)” and inserting “(50
U.S.C. 3801 et seq.)”; and

(II) by inserting “(50 U.S.C.
3806(e)(2)(A))” after “of that Act”.

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(iii) Section 523(b)(7) is amended by striking “(50 U.S.C. App. 460(b)(2))” and inserting “(50 U.S.C. 3809(b)(2))”.

(iv) Section 651(a) is amended by striking “(50 U.S.C. App. 456(d)(1))” and inserting “(50 U.S.C. 3806(d)(1))”.

(v) Section 671(e)(1) is amended by striking “(50 U.S.C. App. 454(a))” and inserting “(50 U.S.C. 3803(a))”.

(vi) Section 1475(a)(5)(B) is amended by striking “(50 U.S.C. App. 451 et seq.)” and inserting “(50 U.S.C. 3801 et seq.)”.

(vii) Section 12103 is amended—

(I) in subsections (b) and (d), by striking “(50 U.S.C. App. 451 et seq.)” both places it appears and inserting “(50 U.S.C. 3801 et seq.)”;

and

(II) in subsection (d), by striking “section 6(c)(2)(A)(ii) and (iii) of such Act” and inserting “clauses (ii) and (iii) of section 6(c)(2)(A) of such Act (50 U.S.C. 3806(c)(2)(A))”.

(viii) Section 12104(a) is amended by striking “(50 U.S.C. App. 451 et seq.)”
both places it appears and inserting “(50 U.S.C. 3801 et seq.)”.

(ix) Section 12208(a) is amended by striking “(50 U.S.C. App. 451 et seq.)” both places it appears and inserting “(50 U.S.C. 3801 et seq.)”.

(B) TITLE 37, UNITED STATES CODE.—

Section 209(a)(1) of title 37, United States Code is amended by striking “(50 U.S.C. App. 456(d)(1))” and inserting “(50 U.S.C. 3806(d)(1))”.

(2) SERVICEMEMBERS CIVIL RELIEF ACT CITATION CHANGES.—Title 10, United States Code, is amended as follows:

(A) Section 987 is amended—

(i) in subsection (e)(2), by inserting “(50 U.S.C. 3901 et seq.)” before the semicolon; and

(ii) in subsection (g), by striking “(50 U.S.C. App. 527)” and inserting “(50 U.S.C. 3937)”.

(B) Section 1408(b)(1)(D) is amended by striking “(50 U.S.C. App. 501 et seq.)” and inserting “(50 U.S.C. 3901 et seq.)”. 
(3) **Export Administration Act of 1979 Citation Changes.**—Title 10, United States Code, is amended as follows:

(A) Section 130(a) is amended by striking “(50 U.S.C. App. 2401–2420)” and inserting “(50 U.S.C. 4601 et seq.)”.

(B) Section 2249a(a)(1) is amended by striking “(50 U.S.C. App. 2405(j)(1)(A))” and inserting “(50 U.S.C. 4605(j)(1)(A))”.

(C) Section 2327 is amended—

(i) in subsection (a), by striking “(50 U.S.C. App. 2405(j)(1)(A))” and inserting “(50 U.S.C. 4605(j)(1)(A))”; and


(D) Section 2410i(a) is amended by striking “(50 U.S.C. App. 2402(5)(A))” and inserting “(50 U.S.C. 4602(5)(A))”.

(E) Section 7430(e) is amended by striking “(50 U.S.C. App. 2401 et seq.)” and inserting “(50 U.S.C. 4601 et seq.)”.

(4) **Defense Production Act of 1950 Citation Changes.**—Title 10, United States Code, is amended as follows:
(A) Section 139c of title 10, United States Code, is amended—

(i) in subsection (b)—

(I) in paragraph (11), by striking “(50 U.S.C. App. 2171)” and inserting “(50 U.S.C. 4567)”; and

(II) in paragraph (12)—

(aa) by striking “(50 U.S.C. App. 2062(b))” and inserting “(50 U.S.C. 4502(b))”; and

(bb) by striking “(50 U.S.C. App. 2061 et seq.)” and inserting “(50 U.S.C. 4501 et seq.)”; and

(ii) in subsection (c), by striking “(50 U.S.C. App. 2170(k))” and inserting “(50 U.S.C. 4565(k))”.

(B) Section 2537(c) is amended by striking “(50 U.S.C. App. 2170(a))” and inserting “(50 U.S.C. 4565(a))”.

(C) Section 9511(6) is amended by striking “(50 U.S.C. App. 2071)” and inserting “(50 U.S.C. 4511)”.

(D) Section 9513(e) is amended by striking “(50 U.S.C. App. 2071)” and inserting “(50 U.S.C. 4511)”. 
(5) **MERCHANT SHIP SALES ACT OF 1946 CITATION CHANGES.**—Section 2218 of title 10, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking “(50 U.S.C. App. 1744)” and inserting “(50 U.S.C. 4405)”; and

(B) in subsection (k)(3)(B), by striking “(50 U.S.C. App. 1744)” and inserting “(50 U.S.C. 4405)”.

(c) **NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.**—Effective as of November 25, 2015, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended as follows:

(1) Section 563(a) is amended by striking “Section 5(c)(5)” and inserting “Section 5(c)(2)”.

(2) Section 883(a)(2) (129 Stat. 947) is amended by striking “such chapter” and inserting “chapter 131 of such title”.

(3) Section 883 (129 Stat. 942) is amended by adding at the end the following new subsection:

“(f) **CONFORMING AMENDMENTS.**—

“(1) Effective on the effective date specified in subsection (a)(1) of section 901 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense

“(A) by striking ‘Deputy Chief Management Officer of the Department of Defense’ each place it appears in subsections (c)(2), (e)(1), (g)(2)(A), (g)(2)(B)(ii), and (i)(5)(B) and inserting ‘Under Secretary of Defense for Business Management and Information’; and

“(B) by striking ‘Deputy Chief Management Officer’ in subsection (f)(1) and inserting ‘Under Secretary of Defense for Business Management and Information’.

“(2) The second paragraph (3) of section 901(k) of such Act (Public Law 113–291; 128 Stat. 3468; 10 U.S.C. 2222 note) is repealed.”.

(4) Section 1079(a) is amended to read as follows:

“(a) ANNUAL REPORT ON PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—Section 2374a of title 10, United States Code, is amended—

“(1) by striking subsection (f); and

“(2) by redesignating subsection (g) as subsection (f).”.
(5) Section 1086(f)(11)(A) is amended by striking “Not later than one year” and inserting “Not later than one year”.

(d) Coordination With Other Amendments Made by This Act.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any such amendments by other provisions of this Act.


Section 1034 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in subsection (d)—

(A) by striking “report on the use of the authority under subsection (a)” and all that follows and inserting “report that includes—”

“(A) a description of—

“(i) each use of the authority under subsection (a); and

“(ii) for each such use, the specific material made available and to whom it was made available; and
“(B) a description of—

“(i) any instance in which the Department of Defense made available to a State, a unit of local government, or a private entity any biological select agent or toxin for the development or testing of any bio-defense technology; and

“(ii) for each such instance, the specific material made available and to whom it was made available.”; and

(B) by adding at the end the following new paragraph:

“(3) The requirement to submit a report under paragraph (1) shall terminate on January 31, 2021.”; and

(2) in subsection (c), by striking “this section” and all that follows and inserting “this section:”

“(1) The terms ‘precursor’, ‘protective purposes’, and ‘toxic chemical’ have the meanings given those terms in the convention referred to in subsection (c), in paragraph 2, paragraph 9(b), and paragraph 1, respectively, of article II of that convention.
“(2) The term ‘biological select agent or toxin’ means any agent or toxin identified under any of the following:

“(A) Section 331.3 of title 7, Code of Federal Regulations.

“(B) Section 121.3 or section 121.4 of title 9, Code of Federal Regulations.

“(C) Section 73.3 or section 73.4 of title 42, Code of Federal Regulations.”.

SEC. 1083. INCREASE IN MAXIMUM AMOUNT AVAILABLE FOR EQUIPMENT, SERVICES, AND SUPPLIES PROVIDED FOR HUMANITARIAN DEMINING ASSISTANCE.

Section 407(c)(3) of title 10, United States Code, is amended by striking “$10,000,000” and inserting “$15,000,000”.

SEC. 1084. LIQUIDATION OF UNPAID CREDITS ACCRUED AS A RESULT OF TRANSACTIONS UNDER A CROSS-SERVICING AGREEMENT.

(a) LIQUIDATION OF UNPAID CREDITS.—Section 2345 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) Any credits of the United States accrued as a result of the provision of logistic support, supplies, and services under the authority of this subchapter that re-
main unliquidated more than 18 months after the date
of delivery of the logistic support, supplies, or services
may, at the option of the Secretary of Defense, with the
concurrence of the Secretary of State, be liquidated by off-
setting the credits against any amount owed by the De-
partment of Defense, pursuant to a transaction or trans-
actions concluded under the authority of this subchapter,
to the government or international organization to which
the logistic support, supplies, or services were provided by
the United States.

“(2) The amount of any credits offset pursuant to
paragraph (1) shall be credited as specified in section
2346 of this title as if it were a receipt of the United
States.”.

(b) EFFECTIVE DATE.—Subsection (c) of section
2345 of title 10, United States Code, as added by sub-
section (a), shall apply with respect to credits accrued by
the United States that—

(1) were accrued prior to, and remain unpaid as
of, the date of the enactment of this Act; or

(2) are accrued after the date of the enactment
of this Act.
SEC. 1085. CLARIFICATION OF CONTRACTS COVERED BY AIRLIFT SERVICE PROVISION.

Section 9516 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) CONTRACT FOR AIRLIFT SERVICE DEFINED.—In this section, the term ‘contract for airlift service’ means—

“(1) a contract with the Department of Defense for airlift service;

“(2) any contract with the Department of Defense other than a contract described in paragraph (1), if transportation services are used in the performance of the contract; or

“(3) any subcontract (at any tier) under a contract described in paragraph (1) or (2) if the subcontract is for airlift service or if transportation services are used in the performance of the subcontract.”.

SEC. 1086. NATIONAL BIODEFENSE STRATEGY.

(a) STRATEGY AND IMPLEMENTATION PLAN REQUIRED.—The Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall jointly develop a national biodefense strategy and associated implementation plan, which shall include a review and assess-
ment of biodefense policies, practices, programs and initiatives. Such Secretaries shall review and, as appropriate, revise the strategy biennially.

(b) ELEMENTS.—The strategy and associated implementation plan required under subsection (a) shall include each of the following:

(1) An inventory and assessment of all existing strategies, plans, policies, laws, and interagency agreements related to biodefense, including prevention, deterrence, preparedness, detection, response, attribution, recovery, and mitigation.

(2) A description of the biological threats, including biological warfare, bioterrorism, naturally occurring infectious diseases, and accidental exposures.

(3) A description of the current programs, efforts, or activities of the United States Government with respect to preventing the acquisition, proliferation, and use of a biological weapon, preventing an accidental or naturally occurring biological outbreak, and mitigating the effects of a biological epidemic.

(4) A description of the roles and responsibilities of the Executive Agencies, including internal and external coordination procedures, in identifying and sharing information related to, warning of, and protection against, acts of terrorism using biological
agents and weapons and accidental or naturally occurring biological outbreaks.

(5) An articulation of related or required inter-agency capabilities and whole-of-Government activities required to support the national biodefense strategy.

(6) Recommendations for strengthening and improving the current biodefense capabilities, authorities, and command structures of the United States Government.

(7) Recommendations for improving and formalizing interagency coordination and support mechanisms with respect to providing a robust national biodefense.

(8) Any other matters the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture determine necessary.

(c) SUBMITTAL TO CONGRESS.—Not later than 275 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Agriculture shall submit to the appropriate congressional committees the strategy and associated implementation plan required by subsection (a). The strategy
and implementation plan shall be submitted in unclassified
form, but may include a classified annex.

(d) BRIEFINGS.—Not later than March 1, 2017, and
annually thereafter until March 1, 2019, the Secretary of
Defense, the Secretary of Health and Human Services, the
Secretary of Homeland Security, and the Secretary of Ag-
riculture shall provide to the Committee on Armed Serv-
ices of the House of Representatives, the Committee on
Energy and Commerce of the House of Representatives,
the Committee on Homeland Security of the House of
Representatives, and the Committee on Agriculture of the
House of Representatives a joint briefing on the strategy
developed under subsection (a) and the status of the im-
plementation of such strategy.

(e) GAO REVIEW.—Not later than 180 days after the
date of the submittal of the strategy and implementation
plan under subsection (c), the Comptroller General of the
United States shall conduct a review of the strategy and
implementation plan to analyze gaps and resources
mapped against the requirements of the National Bio-
defense Strategy and existing United States biodefense
policy documents.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congress-
sional committees” means the following:
(1) The congressional defense committees.


(3) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) The Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 1087. GLOBAL CULTURAL KNOWLEDGE NETWORK.

(a) PROGRAM AUTHORIZED.—The Secretary of the Army shall carry out a program to support the socio-cultural understanding needs of the Department of the Army, to be known as the Global Cultural Knowledge Network.

(b) GOALS.—The Global Cultural Knowledge Network shall support the following goals:

(1) Provide socio-cultural analysis support to any unit deployed, or preparing to deploy, to an exercise or operation in the assigned region of responsibility of the unit being supported.

(2) Make recommendations or support policy development to increase the social science expertise
of military and civilian personnel of the Department
of the Army.

(3) Provide reimbursable support to other mili-
tary departments or Federal agencies if requested
through an operational needs request process.

(c) ELEMENTS OF THE PROGRAM.—The Global Cul-
tural Knowledge Network shall include the following ele-
ments:

(1) A center in the continental United States
(referred to in this section as a “reach-back center”)
to support requests for information and analysis.

(2) Outreach to academic institutions and other
Federal agencies involved in social science research
to increase the network of resources for the reach-
back center.

(3) Training with operational units during an-
ual training exercises or during pre-deployment
training.

(4) The training, contracting, and human re-
sources capacity to rapidly respond to contingencies
in which social science expertise is requested by
operational commanders through an operational
needs request process.

(d) DIRECTIVE REQUIRED.—The Secretary of the
Army shall issue a directive within one year after the date
of the enactment of this Act for the governance of the
Global Cultural Knowledge Network, including oversight
and process controls for auditing the activities of per-
sonnel of the Network, the employment of the Global Cul-
tural Knowledge Network by operation forces, and proc-
esses for requesting support by operational Army units
and other Department of Defense and Federal entities.

(c) PROHIBITION ON DEPLOYMENTS UNDER GLOBAL
CULTURAL KNOWLEDGE NETWORK.—

(1) PROHIBITION.—The Secretary of the Army
may not deploy social scientists in a conflict zone.

(2) WAIVER.—The Secretary of the Army may
waive the prohibition in paragraph (1) if the Sec-
etary submits, at least 10 days before the deploy-
ment, to the Committees on Armed Services of the
House of Representatives and the Senate—

(A) notice of the waiver; and

(B) a certification that there is a compel-
lng national security interest for the deploy-
ment or there will be a benefit to the safety and
welfare of members of the Armed Forces from
the deployment.

(3) ELEMENTS OF WAIVER NOTICE.—A waiver
notice under this subsection also shall include the
following:
(A) The operational unit, or units, requesting support, including the location or locations where the social scientists are to be deployed.

(B) The number of Global Cultural Knowledge Network personnel to be deployed and the anticipated duration of such deployments.

(C) The anticipated resource needs for such deployment.

SEC. 1088. MODIFICATION OF REQUIREMENTS RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.

(a) CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS.—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216 note) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) IN GENERAL.—By not later than October 1, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, or serving under section 328 of title 32,
United States Code, and are not military technicians. The positions to be converted are described in paragraph (2)."

(2) in paragraph (2), by striking “in the report” and all that follows and inserting “by the Army Reserve, the Air Force Reserve, the National Guard Bureau, and the State adjutants general in the course of reviewing all military technician positions for purposes of implementing this section.”;

and

(3) in paragraph (3), by striking “may fill” and inserting “shall fill”.

(b) CONVERSION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NON-DUAL STATUS POSITIONS.—Subsection (e) of section 10217 of title 10, United States Code, is amended to read as follows:

“(e) Conversion of Positions.—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for purposes of this section after September 30, 2017.

“(2) On October 1, 2017, the Secretary of Defense shall convert all non-dual status technicians to positions filled by individuals who are employed under section 3101
of title 5 or section 1601 of this title and are not military technicians.

“(3) In the case of a position converted under paragraph (2) for which there is an incumbent employee on October 1, 2017, the Secretary shall fill that position, as converted, with the incumbent employee without regard to any requirement concerning competition or competitive hiring procedures.

“(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of paragraph (1) shall an individual employed in such position under section 3101 of title 5 or section 1601 of this title.”.

(c) REPORT ON CONVERSION OF MILITARY TECHNICIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE GUARD AND RESERVE DUTY.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense, shall in consultation with the Chief of the National Guard Bureau, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing active Guard and Reserve duty under section 328 of title 32, United States Code,
or other applicable provisions of law. The report shall include the following:

(A) An analysis of the fully-burdened costs of the conversion taking into account the new modernized military retirement system.

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense under title 5, United States Code, required to best contribute to the readiness of the National Guard and the Reserves.

(2) ACTIVE GUARD AND RESERVE DUTY DEFINED.—In this subsection, the term “active Guard and Reserve duty” has the meaning given that term in section 101(d)(6) of title 10, United States Code.

SEC. 1089. SENSE OF CONGRESS REGARDING CONNECTICUT'S SUBMARINE CENTURY.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 2, 1867, Congress enacted a naval appropriations Act that authorized the Secretary of the Navy to “receive and accept a deed of gift, when offered by the State of Connecticut, of a tract of land with not less than one mile of shore
front on the Thames River near New London, Connecticut, to be held by the United States for naval purposes”.

(2) The people of Connecticut and the towns and cities in the southeastern region of Connecticut subsequently gifted land to establish a military installation to fulfil the Nation’s need for a naval facility on the Atlantic coast.

(3) On April 11, 1868, the Navy accepted the deed of gift of land from Connecticut to establish a naval yard and storage depot along the eastern shore of the Thames River in Groton, Connecticut;

(4) Between 1868 and 1912, the New London Navy Yard supported a diverse range of missions, including berthing inactive Civil War era ironclad warships and serving as a coaling station for refueling naval ships traveling in New England waters.

(5) Congress rejected the Navy’s proposal to close New London Navy Yard in 1912, following an impassioned effort by Congressman Edwin W. Higgins, who stated that “this action proposed is not only unjust but unreasonable and unsound as a military proposition”.

(6) The outbreak of World War I and the enemy use of submarines to sink allied military and
civilian ships in the Atlantic sparked a new focus on developing submarine capabilities in the United States.

(7) October 18, 1915, marked the arrival at the New London Navy Yard of the submarines G–1, G–2, and G–4 under the care of the tender U.S.S. OZARK, soon followed by the arrival of submarines E–1, D–1, and D–3 under the care of the tender U.S.S. TONOPAH, and on November 1, 1915, the arrival of the first ship built as a submarine tender, the U.S.S. FULTON (AS–1).

(8) On June 21, 1916, Commander Yeates Stirling assumed the command of the newly designated Naval Submarine Base New London, the New London Submarine Flotilla, and the Submarine School;

(9) In the 100 years since the arrival of the first submarines to the base, Naval Submarine Base New London has grown to occupy more than 680 acres along the east side of the Thames River, with more than 160 major facilities, 15 nuclear submarines, and more than 70 tenant commands and activities, including the Submarine Learning Center, Naval Submarine School, the Naval Submarine Medical Research Laboratory, the Naval Undersea Med-
ical Institute, and the newly established Undersea
Warfighting Development Center.

(10) In addition to being the site of the first
submarine base in the United States, Connecticut
was home to the foremost submarine manufacturers
of the time, the Lake Torpedo Boat Company in
Bridgeport and the Electric Boat Company in Grot-
on, which later became General Dynamics Electric
Boat.

(11) General Dynamics Electric Boat, its tal-
ented workforce, and its Connecticut-based and na-
tionwide network of suppliers have delivered more
than 200 submarines from its current location in
Groton, Connecticut, including the first nuclear-pow-
ered submarine, the U.S.S. NAUTILUS (SSN 571),
and nearly half of the nuclear submarines ever built
by the United States.

(12) The Submarine Force Library and Mu-
seum, located adjacent to Naval Submarine Base
New London in Groton, Connecticut, is the only sub-
marine museum operated by the United States Navy
and today serves as the primary repository for arti-
facts, documents, and photographs relating to the
bold and courageous history of the Submarine Force
and highlights as its core exhibit the Historic Ship
NAUTILUS (SSN 571) following her retirement from service.

(13) Reflecting the close ties between Connecticut and the Navy that began with the gift of land that established the base, the State of Connecticut has set aside $40,000,000 in funding for critical infrastructure investments to support the mission of the base, including construction of a new dive locker building, expansion of the Submarine Learning Center, and modernization of energy infrastructure.

(14) On September 29, 2015, Connecticut Governor Dannel Malloy designated October 2015 through October 2016 as Connecticut’s Submarine Century, a year-long observance that celebrates 100 years of submarine activity in Connecticut, including the Town of Groton’s distinction as the Submarine Capital of the World, to coincide with the centennial anniversary of the establishment of Naval Submarine Base New London and the Naval Submarine School.

(15) Whereas Naval Submarine Base New London still proudly proclaims its motto of “The First and Finest”.
(16) Congressman Higgins’ statement before Congress in 1912 that “Connectieut stands ready, as she always has, to bear her part of the burdens of the national defense” remains true today.

(b) SENSE OF CONGRESS.—Congress—

(1) commends the longstanding dedication and contribution to the Navy and submarine force by the people of Connecticut, both through the initial deed of gift that established what would become Naval Submarine Base New London and through their ongoing commitment to support the mission of the base and the Navy personnel assigned to it;

(2) honors the submariners who have trained and served at Naval Submarine Base New London throughout its history in support of the Nation’s security and undersea superiority;

(3) recognizes the contribution of the industry and workforce of Connecticut in designing, building, and sustaining the Navy’s submarine fleet; and

(4) encourages the recognition of Connecticut’s Submarine Century by Congress, the Navy, and the American people by honoring the contribution of the people of Connecticut to the defense of the United States and the important role of the submarine force
in safeguarding the security of the United States for more than a century.

SEC. 1090. LNG PERMITTING CERTAINTY AND TRANSPARENCY.

(a) Action on Applications.—

(1) Decision Deadline.—For proposals that must also obtain authorization from the Federal Energy Regulatory Commission or the United States Maritime Administration to site, construct, expand, or operate LNG export facilities, the Department of Energy shall issue a final decision on any application for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) not later than 30 days after the later of—

(A) the conclusion of the review to site, construct, expand, or operate the LNG facilities required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the date of enactment of this Act.

(2) Conclusion of Review.—For purposes of paragraph (1), review required by the National Environmental Policy Act of 1969 shall be considered concluded—

(A) for a project requiring an Environmental Impact Statement, 30 days after publ-
cation of a Final Environmental Impact Statement;

(B) for a project for which an Environmental Assessment has been prepared, 30 days after publication by the Department of Energy of a Finding of No Significant Impact; and

(C) upon a determination by the lead agency that an application is eligible for a categorical exclusion pursuant National Environmental Policy Act of 1969 implementing regulations.

(3) JUDICIAL ACTION.—(A) The United States Court of Appeals for the circuit in which the export facility will be located pursuant to an application described in paragraph (1) shall have original jurisdiction over any civil action for the review of—

(i) an order issued by the Department of Energy with respect to such application; or

(ii) the Department of Energy’s failure to issue a final decision on such application.

(B) If the Court in a civil action described in subparagraph (A) finds that the Department of Energy has failed to issue a final decision on the application as required under paragraph (1), the Court shall order the Department of Energy to issue such
final decision not later than 30 days after the Court’s order.

(C) The Court shall set any civil action brought under this paragraph for expedited consideration and shall set the matter on the docket as soon as practical after the filing date of the initial pleading.

(b) Public Disclosure of Export Destinations.—Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

“(g) Public Disclosure of LNG Export Destinations.—As a condition for approval of any authorization to export LNG, the Secretary of Energy shall require the applicant to publicly disclose the specific destination or destinations of any such authorized LNG exports.”.


It is the sense of Congress that—

(1) in the report accompanying H.R. 1735 of the 114th Congress (House Report 114–102), the Committee on Armed Services of the House of Representatives encouraged the Secretary of Defense to “publicly clarify the causes of the MV-22 mishap at Marana Northwest Regional Airport, Arizona, in a
way consistent with the results of all investigations as soon as possible’’;

(2) the Deputy Secretary of Defense Robert O. Work did an excellent job reviewing the investigations of such mishap and concluded that there was a misrepresentation of facts by the media which incorrectly identified pilot error as the cause of the mishap which the Deputy Secretary publicly made known in March 2016; and

(3) Congress is grateful for the successful conclusion to this tragic situation.

SEC. 1092. TRANSFER OF SURPLUS FIREARMS TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.

(a) In General.—Section 40728(h) of title 36, United States Code, is amended—

(1) by striking “(1) Subject to paragraph (2), the Secretary may transfer” and inserting “The Secretary shall transfer”;

(2) by striking “The Secretary shall determine a reasonable schedule for the transfer of such surplus pistols.”; and

(3) by striking paragraph (2).
(b) PILOT PROGRAM.—Section 1087 of National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1012) is amended—

(1) in subsection (b)(1)—

(A) by striking “may” each place it appears and inserting “shall”; and

(B) by striking “not more than 10,000”; and

(2) by striking subsection (e).

SEC. 1093. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF PANAMA CITY, FLORIDA, TO THE HISTORY AND FUTURE OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) On December 6, 1941—one day before the attack on Pearl Harbor—the War Department established Tyndall Field as an Army Air Force gunnery school in Panama City, Florida.

(2) Tyndall Field was named in honor of native Floridian Lieutenant Francis B. Tyndall, who received the U.S. Air Force flying ace designation for his service in the First World War.

(3) Tyndall Field became an important center for aerial gunnery training during the Second World
War, hosting training missions using aircraft including A–33, 0–47, AT-6, Martin B-26 Marauders, and B–17 bombers.

(4) On January 13, 1948, Tyndall Field became Tyndall Air Force Base and was an active site for air training and defense throughout the Cold War.

(5) Tyndall AFB is now home to the First Air Force as well as the 325th Fighter Wing Headquarters and their F–22 Raptors.

(6) The 325th Fighter Wing has been instrumental to national security at such crucial junctures as the Cuban Missile Crisis, throughout the Cold War, and more recently in intercepting unidentified aircraft and supporting anti-smuggling efforts.

(7) On July 20, 1945, the Navy Mine Countermeasure Station was established in Panama City.

(8) The Navy Mine Countermeasure Station developed into the Naval Support Activity Panama City (NSAPC), which has faithfully carried out its mission since its inception and continues to support the crucial efforts and important research of tenant command organizations such as the Naval Surface Warfare Center: Panama City Division (NSWC
PCD) and the Navy Experimental Diving Unit (NEDU).

(9) Research performed at NSWC PCD has been integral to equipping the Navy with the personnel and technology necessary to maintaining its status as the world’s greatest and most technologically advanced.

(10) NSWC PCD’s newest facility, the Littoral Warfare Research Facility, is one of the Navy’s major research, development, test, and evaluation laboratories and where standards for weapons integration on Littoral Combat Ships are often developed.

(11) NEDU is a global hub of research, development, and testing for undersea operations.

(12) During the Second World War, the Wainwright Shipyard in Panama City built over 100 vessels for the war effort and employed over 15,000 people.

(13) Panama City’s shipbuilding legacy continues as home to one of today’s most prolific domestic shipbuilders, Eastern Shipbuilding.

(14) The Department of Defense is the largest employer in Panama City, where many of the resi-
dents and their relatives have proudly served in the
Armed Forces for generations.

(b) SENSE OF CONGRESS.—Congress—

(1) commends the longstanding dedication and
contribution to the Armed Forces by the people of
Panama City, both through the legacy of naval ship-
building and through their ongoing commitment to
support the mission of Panama City’s military in-
stallations and the personnel assigned to them;

(2) honors the members of the Armed Forces
who have trained and served at the several military
installations in and around Panama City;

(3) recognizes the contribution of the industry
and workforce of Panama City to naval shipbuilding;

(4) encourages the recognition of the impor-
tance of Panama City to the history of the Armed
Forces by Congress, the Air Force, the Navy, and
the American people by honoring the contribution of
the people of Panama City to the defense of the
United States.

SEC. 1094. PROTECTIONS RELATING TO CIVIL RIGHTS AND

DISABILITIES.

Any branch or agency of the Federal Government
shall, with respect to any religious corporation, religious
association, religious educational institution, or religious society that is a recipient of or offeror for a Federal Government contract, subcontract, grant, purchase order, or cooperative agreement, provide protections and exemptions consistent with sections 702(a) and 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1(a) and 42 U.S.C. 2000e-2(e)(2)) and section 103(d) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113(d)).

SEC. 1095. NONAPPLICABILITY OF CERTAIN EXECUTIVE ORDER TO DEPARTMENT OF DEFENSE AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

The provisions of Executive Order 13673 and any implementing rules or regulations shall not apply to the acquisition, contracting, contract administration, source selection, or any other activities of the Department of Defense or the National Nuclear Security Administration. The Secretary of Defense and the Administrator for Nuclear Security may not issue, or be required to comply with, any policy, guidance, or rules to carry out such executive order or otherwise implement any provision of such executive order or any related implementation rules or regulations.
SEC. 1096. DETERMINATION AND DISCLOSURE OF TRANSPORTATION COSTS INCURRED BY SECRETARY OF DEFENSE FOR CONGRESSIONAL TRIPS OUTSIDE THE UNITED STATES.

(a) Determination and Disclosure of Costs by Secretary.—In the case of a trip taken by a Member, officer, or employee of the House of Representatives or Senate in carrying out official duties outside the United States for which the Department of Defense provides transportation, the Secretary of Defense shall—

(1) determine the cost of the transportation provided with respect to the Member, officer, or employee; and

(2) provide the Member, officer, or employee with a written statement of the cost not later than 10 days after completion of the trip involved.

(b) Inclusion of Information in Travel Reports.—Any Member, officer, or employee of the House of Representatives or Senate who takes a trip to which subsection (a) applies shall include the information contained in the written statement provided to the Member, officer, or employee under subsection (a)(2) with respect to the trip in any report that the Member, officer, or employee is required to file with respect to the trip under any provision of law and under any provision of the Rules
of the House of Representatives or the Standing Rules of
the Senate (as the case may be).

(c) EXCEPTIONS.—This section does not apply with
respect to any trip the sole purpose of which is to visit
one or more United States military installations or to visit
United States military personnel in a war zone (or both).

(d) DEFINITIONS.—In this section:

(1) MEMBER.—The term “Member”, with re-
spect to the House of Representatives, includes a
Delegate or Resident Commissioner to the Congress.

(2) UNITED STATES.—The term “United
States” means the several States, the District of Co-
lumbia, the Commonwealth of Puerto Rico, the Com-
monwealth of the Northern Mariana Islands, the
Virgin Islands, Guam, American Samoa, and any
other territory or possession of the United States.

(e) EFFECTIVE DATE.—This section shall apply with
respect to trips taken on or after the date of the enact-
ment of this Act, except that this section does not apply
with respect to any trip which began prior to such date.

SEC. 1097. WAIVER OF CERTAIN POLYGRAPH EXAMINATION
REQUIREMENTS.

The Secretary of Homeland Security, acting through
the Commissioner of U.S. Customs and Border Protection,
may waive the polygraph examination requirement under
section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) for any applicant who—

(1) the Commissioner determines is suitable for employment;

(2) holds a current, active Top Secret clearance and is able to access sensitive compartmented information;

(3) has a current single scope background investigation;

(4) was not granted any waivers to obtain the clearance; and

(5) is a veteran (as such term is defined in section 2108 or 2109a of title 5, United States Code).

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. TEMPORARY DIRECT HIRE AUTHORITY FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND THE MAJOR RANGE AND TEST FACILITIES BASE.

(a) AUTHORITY.—During fiscal years 2017 and 2018, the Secretary of Defense may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, qualified candidates to positions in the
competitive service at any defense industrial base facility or the Major Range and Test Facilities Base.

(b) REPORT.—Not later than 60 days after the end of fiscal year 2018, the Secretary of Defense shall submit a report to the Committees on Armed Services of the House of Representatives and the Senate on the use of the authority provided under subsection (a). Such report shall include the total number of individuals appointed under such authority and the effectiveness of such authority in fulfilling the manpower needs of the defense industrial base facilities or the Major Range and Test Facilities Base.

(c) DEFINITION.—In this section, the term “defense industrial base facility” means any Department of Defense depot, arsenal, or shipyard located within the United States.

SEC. 1102. TEMPORARY PERSONNEL FLEXIBILITIES FOR DOMESTIC DEFENSE INDUSTRIAL BASE FACILITIES AND MAJOR RANGE AND TEST FACILITIES BASE CIVILIAN PERSONNEL.

(a) IN GENERAL.—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, during fiscal years 2017 and 2018, an employee of a defense industrial
base facility or the Major Range and Test Facilities Base serving under a time-limited appointment in the competitive service is eligible to compete for a permanent appointment in the competitive service at (A) any such facility, Base, or any other component of the Department of Defense when such facility, Base, or component (as the case may be) is accepting applications from individuals within the facility, Base, or component’s workforce under merit promotion procedures, or (B) any agency when the agency is accepting applications from individuals outside its own workforce under merit promotion procedures of the applicable agency, if—

(1) the employee was appointed initially under open, competitive examination under subchapter I of chapter 33 of such title to the time-limited appointment;

(2) the employee has served under 1 or more time-limited appointments by a defense industrial base facility or the Major Range and Test Facilities Base for a period or periods totaling more than 24 months without a break of 2 or more years; and

(3) the employee’s performance has been at an acceptable level of performance throughout the period or periods (as the case may be) referred to in paragraph (2).
(b) Waiver of Age Requirement.—In determining the eligibility of a time-limited employee under this section to be examined for or appointed in the competitive service, the Office of Personnel Management or other examining agency shall waive requirements as to age, unless the requirement is essential to the performance of the duties of the position.

(c) Status.—An individual appointed under this section—

(1) becomes a career-conditional employee, unless the employee has otherwise completed the service requirements for career tenure; and

(2) acquires competitive status upon appointment.

(d) Former Employees.—A former employee of a defense industrial base facility or the Major Range and Test Facilities Base who served under a time-limited appointment and who otherwise meets the requirements of this section shall be deemed a time-limited employee for purposes of this section if—

(1) such employee applies for a position covered by this section within the period of 2 years after the most recent date of separation; and

(2) such employee’s most recent separation was for reasons other than misconduct or performance.
(e) DEFINITION.—In this section, the term “defense industrial base facility” means any Department of Defense depot, arsenal, or shipyard located within the United States.

SEC. 1103. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.


SEC. 1104. ADVANCE PAYMENTS FOR EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.

(a) IN GENERAL.—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by striking “(a) The head” and inserting “(a)(1) The head”; and
(2) by adding at the end the following:

“(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 6 pay periods, to an employee who is assigned to a position in the agency that is located—

“(A) outside of the employee’s commuting area;

and

“(B) in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States.”.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “or assigned” after “appointed”; and

(2) in paragraph (2)(B)—

(A) by inserting “or assignment” after “appointment”; and

(B) by inserting “or assigned” after “appointed”.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by inserting “and employees relocating within the United States and its territories” after “appointees”.

(2) **TABLE OF SECTIONS.**—The item relating to such section in the table of sections of chapter 55 of such title is amended to read as follows:

“5524a. Advance payments for new appointees and employees relocating within the United States and its territories.”.

SEC. 1105. **PERMANENT AUTHORITY FOR ALTERNATIVE PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.**

(a) **PERMANENT AUTHORITY AND CODIFICATION.**—Chapter 81 of title 10, United States Code, is amended by inserting after section 1589 a new section 1590 consisting of—

(1) a heading as follows:

“§ 1590. Alternative personnel program for scientific and technical personnel”; and

(2) a text consisting of the text of subsection (a), (b), (c), and (d) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(b) **CONFORMING AMENDMENTS.**—Section 1590 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (a)—
(A) by striking “During the program period specified in subsection (e)(1), the” and inserting “The”; and

(B) by striking “of experimental use of” and inserting “to use”;

(2) in subsection (b)—

(A) by striking “, United States Code,” in paragraph (1); and

(B) by striking “United States Code,” in paragraph (2); and

(3) in subsection (d), by striking “, United States Code” in paragraphs (2) and (3) each place it appears.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 1589 the following new item:

“1590. Alternative personnel program for scientific and technical personnel.”.

SEC. 1106. MODIFICATION TO INFORMATION TECHNOLOGY PERSONNEL EXCHANGE PROGRAM.

Section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 5 U.S.C. 3702 note) is amended—

(1) in the section heading, by inserting “CYBER AND” before “INFORMATION”;

(2) in subsections (a)(1)(A), (a)(1)(C), and (g)(2), by inserting “cyber operations or” before “information”;

(3) in subsection (g)(1), by inserting “to or” before “from”; and

(4) in subsection (h), by striking “10” and inserting “50”.

SEC. 1107. TREATMENT OF CERTAIN LOCALITIES FOR CALCULATION OF PER DIEM ALLOWANCES.

(a) IN GENERAL.—Pursuant to section 5707 of title 5, United States Code, the Administrator of General Services shall prescribe such regulations as are necessary to provide that, with respect to per diem rates for Ohio, the locality described as Dayton/Fairborn and the locality described as Cincinnati are considered 1 locality for purposes of establishing per diem allowance or maximum amount of reimbursement under section 5702(a)(2) of such title.

(b) EFFECTIVE DATE.—The adjustment of the treatment of localities described under subsection (a) shall be
effective on the same date as the application of the first
recalculation of per diem allowances by the Administrator
that occurs after the date of enactment of this Act.

SEC. 1108. ELIGIBILITY OF EMPLOYEES IN A TIME-LIMITED
APPOINTMENT TO COMPETE FOR A PERMANENT APPOINTMENT AT ANY FEDERAL AGENCY.

Section 9602 of title 5, United States Code, is
amended—

(1) in subsection (a) by striking “any land
management agency or any other agency (as defined
in section 101 of title 31) under the internal merit
promotion procedures of the applicable agency’’ and
inserting “such land management agency when such
agency is accepting applications from individuals
within the agency’s workforce under merit promotion
procedures, or any agency, including a land manage-
ment agency, when the agency is accepting applica-
tions from individuals outside its own workforce
under the merit promotion procedures of the appli-
cable agency’’; and

(2) in subsection (d) by inserting “of the agen-
cy from which the former employee was most re-
cently separated” after “deemed a time-limited em-
ployee”.

SEC. 1109. LIMITATION ON ADMINISTRATIVE LEAVE.

(a) IN GENERAL.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

“§ 6330. Limitation on administrative leave

“(a) IN GENERAL.—During any calendar year, an employee may not be placed on administrative leave, or any other paid non-duty status without charge to leave, for more than 14 total days for reasons relating to misconduct or performance. After an employee has been placed on administrative leave for 14 days, the employing agency shall return the employee to duty status, utilizing telework if available, and assign the employee to duties if such employee is not a threat to safety, the agency mission, or Government property.

“(b) EXTENDED ADMINISTRATIVE LEAVE.—

“(1) IN GENERAL.—If an agency finds that an employee is a threat to safety, the agency mission, or Government property and upon the expiration of the 14-day period described in subsection (a), an agency head may place the employee on extended administrative leave for additional periods of not more than 30 days each.

“(2) REPORT.—For any additional period of 30 days granted to the employee after the initial 30-day extension, the agency head shall submit to the Com-
mittee on Oversight and Government Reform in the
House of Representatives, the agency’s authorizing committees of jurisdiction of the House of Rep-resentatives and the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a report, not later than 5 business days after granting the additional period, containing—

“(A) title, position, office or agency sub-component, job series, pay grade, and salary of the employee on administrative leave;

“(B) a description of the work duties of the employee;

“(C) the reason the employee is on admin-
istrative leave;

“(D) an explanation as to why the em-
ployee is a threat to safety, the agency mission, or Government property;

“(E) an explanation as to why the em-
ployee is not able to telework or be reassigned to another position within the agency;

“(F) in the case of a pending related inves-
tigation of the employee—

“(i) the status of such investigation;
“(ii) the certification described in subsection (c)(1); and
“(G) in the case of a completed related investigation of the employee—
“(i) the results of such investigation;
and
“(ii) the reason that the employee remains on administrative leave.
“(e) EXTENSION PENDING RELATED INVESTIGATION.—
“(1) IN GENERAL.—If an employee is under a related investigation by an investigative entity at the time an additional period described under subsection (b)(2) is granted and, in the opinion of the investigative entity, additional time is needed to complete the investigation, such entity shall certify to the applicable agency that such additional time is needed and include in the certification an estimate of the length of such additional time.
“(2) LIMITATION.—The head of an agency may not grant an additional period of administrative leave described under subsection (b)(2) to an employee on or after the date that is 30 days after the completion of a related investigation by an investigative entity.
“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) INVESTIGATIVE ENTITY.—The term ‘investigative entity’ means an internal investigative unit of the agency granting administrative leave, the Office of Inspector General, the Office of the Attorney General, or the Office of Special Counsel.

“(2) RELATED INVESTIGATION.—The term ‘related investigation’ means an investigation that pertains to the underlying reasons an employee was placed on administrative leave.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall begin to apply 90 days after the date of enactment of this Act.

(c) RULES OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall be construed to—

(1) supersede the provisions of chapter 75 of title 5, United States Code; or

(2) limit the number of days that an employee may be placed on administrative leave, or any other paid non-duty status without charge to leave, for reasons unrelated to misconduct or performance.

(d) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 63 of title 5, United States
Code, is amended by adding after the item relating to section 6329 the following new item:

“6330. Limitation on administrative leave.”.

SEC. 1110. RECORD OF INVESTIGATION OF PERSONNEL ACTION IN SEPARATED EMPLOYEE’S OFFICIAL PERSONNEL FILE.

(a) In General.—Subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after section 3321 the following:

“§ 3322. Voluntary separation before resolution of personnel investigation

“(a) With respect to any employee occupying a position in the competitive service or the excepted service who is the subject of a personnel investigation and resigns from Government employment prior to the resolution of such investigation, the head of the agency from which such employee so resigns shall, if an adverse finding was made with respect to such employee pursuant to such investigation, make a permanent notation in the employee’s official personnel record file. The head shall make such notation not later than 40 days after the date of the resolution of such investigation.

“(b) Prior to making a permanent notation in an employee’s official personnel record file under subsection (a), the head of the agency shall—
“(1) notify the employee in writing within 5 days of the resolution of the investigation and provide such employee a copy of the adverse finding and any supporting documentation;

“(2) provide the employee with a reasonable time, but not less than 30 days, to respond in writing and to furnish affidavits and other documentary evidence to show why the adverse finding was unfounded (a summary of which shall be included in any notation made to the employee’s personnel file under subsection (d)); and

“(3) provide a written decision and the specific reasons therefore to the employee at the earliest practicable date.

“(c) An employee is entitled to appeal the decision of the head of the agency to make a permanent notation under subsection (a) to the Merit Systems Protection Board under section 7701.

“(d)(1) If an employee files an appeal with the Merit Systems Protection Board pursuant to subsection (c), the agency head shall make a notation in the employee’s official personnel record file indicating that an appeal disputing the notation is pending not later than 2 weeks after the date on which such appeal was filed.
“(2) If the head of the agency is the prevailing party on appeal, not later than 2 weeks after the date that the Board issues the appeal decision, the head of the agency shall remove the notation made under paragraph (1) from the employee’s official personnel record file.

“(3) If the employee is the prevailing party on appeal, not later than 2 weeks after the date that the Board issues the appeal decision, the head of the agency shall remove the notation made under paragraph (1) and the notation of an adverse finding made under subsection (a) from the employee’s official personnel record file.

“(e) In this section, the term ‘personnel investigation’ includes—

“(1) an investigation by an Inspector General; and

“(2) an adverse personnel action as a result of performance, misconduct, or for such cause as will promote the efficiency of the service under chapter 43 or chapter 75.”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any employee described in section 3322 of title 5, United States Code, (as added by such subsection) who leaves the service after the date of enactment of this Act.
(c) **Clerical Amendment.**—The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3321 the following:

“3322. Voluntary separation before resolution of personnel investigation.”.

**SEC. 1111. REVIEW OF OFFICIAL PERSONNEL FILE OF FORMER FEDERAL EMPLOYEES BEFORE REHIRING.**

(a) **In General.**—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“§3330e. Review of official personnel file of former Federal employees before rehiring

“(a) If a former Government employee is a candidate for a position within the competitive service or the excepted service, prior to making any determination with respect to the appointment or reinstatement of such employee to such position, the appointing authority shall review and consider the information relating to such employee’s former period or periods of service in such employee’s official personnel record file.

“(b) In subsection (a), the term ‘former Government employee’ means an individual whose most recent position with the Government prior to becoming a candidate as described under subsection (a) was within the competitive service or the excepted service.
“(c) The Office of Personnel Management shall prescribe regulations to carry out the purpose of this section.”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any former Government employee (as described in section 3330e of title 5, United States Code, as added by such subsection) appointed or reinstated on or after the date that is 180 days after the date of enactment of this Act.

c) CLERICAL AMENDMENT.—The table of sections of subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“3330c. Review of official personnel file of former Federal employees before rehiring.”.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS
Subtitle A—Assistance and Training

SEC. 1201. ONE-YEAR EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.

(Public Law 114–92; 129 Stat. 1035), is further amend-
ed—

(1) in subsection (a), by striking “fiscal year 2016” and inserting “fiscal year 2017”;

(2) in subsection (d), by striking “during the period beginning on October 1, 2015, and ending on December 31, 2016” and inserting “during the period beginning on October 1, 2016, and ending on December 31, 2017”; and

(3) in subsection (e)(1), by striking “December 31, 2016” and inserting “December 31, 2017”.

SEC. 1202. EXTENSION OF AUTHORITY FOR TRAINING OF GENERAL PURPOSE FORCES OF THE UNITED STATES ARMED FORCES WITH MILITARY AND OTHER SECURITY FORCES OF FRIENDLY FOREIGN COUNTRIES.

SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORITY
TO CONDUCT ACTIVITIES TO ENHANCE THE
CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO INCIDENTS INVOLVING WEAPONS
OF MASS DESTRUCTION.

(a) LIMITATION ON AVAILABILITY OF AUTHORITY FOR OTHER COUNTRIES.—Subsection (b) of section 1204 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 896; 10 U.S.C. 401 note) is amended by striking “of the Secretary’s intention” and inserting “not later than 48 hours after the Secretary makes a determination”.

(b) AVAILABILITY OF FUNDS.—Subsection (d)(1) of such section is amended to read as follows:

“(1) FUNDS AVAILABLE.—Of the funds authorized to be appropriated for the Department of Defense for Operation and Maintenance, Defense-wide, and available for the Defense Threat Reduction Agency for a fiscal year, not more than $20,000,000 may be made available for assistance under this section for such fiscal year.”.

(c) NOTICE TO CONGRESS ON CERTAIN ASSISTANCE.—Subsection (e) of such section, as amended by section 1202 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal
Year 2015 (Public Law 113–291; 128 Stat. 3530), is further amended—

(1) by striking “If the amount” and inserting “If the Secretary of Defense determines that the amount”;

(2) by striking “the Secretary of Defense shall notify” and inserting “the Secretary shall notify”;

and

(3) by striking “of that fact” and inserting “of such determination not later than 48 hours after making the determination”.

(d) Expiration.—Subsection (h) of such section, as amended by section 1273 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1076), is further amended by striking “September 30, 2019” and inserting “September 30, 2020”.

(e) Effective Date.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to assistance authorized to be provided under subsection (a) of section 1204 of the National Defense Authorization Act for Fiscal Year 2014 on or after such date of enactment.
SEC. 1204. EXTENSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.


SEC. 1205. MODIFICATION AND CODIFICATION OF REPORTING REQUIREMENTS RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) ANNUAL REPORT REQUIRED.—Subsection (a) of section 1211 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544) is amended—

(1) by striking “BIENNIAL” and all that follows through “the Secretary of Defense” and inserting “ANNUAL REPORT REQUIRED.—Not later than January 31 of each year through January 31, 2021, the Secretary of Defense”;
(2) by striking “congressional defense committees” and inserting “appropriate congressional committees”;

(3) by striking “security assistance” and inserting “assistance”; and

(4) by striking “the two fiscal years” and inserting “the fiscal year”.

(b) ELEMENTS OF REPORT.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “, duration,” after “purpose”; 

(2) in paragraph (2), by striking “The cost” and inserting “The cost and expenditures”; 

(3) by adding at the end the following:

“(4) For each foreign country in which the training, equipment, or other assistance or reimbursement was provided, a description of the extent of participation, if any, by the military forces and security forces or other government organizations of such foreign country.

“(5) The number of members of the Armed Forces involved in providing such training, equipment, or assistance and a description of the military benefits for such members involved in providing such training, equipment or assistance.
“(6) A summary, by authority, of the activities carried out under each authority specified in subsection (c).”.

(c) MODIFICATION TO SPECIFIED AUTHORITIES.—Subsection (c) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) Sections 256, 263, 271, 272, 273, 281, 284, 285, 286, and 287.”.

(2) by striking paragraphs (4), (5), (7), and (11);

(3) by redesignating paragraphs (6), (8), (9), (10), and (12) through (17) as paragraphs (4) through (13), respectively;

(4) by adding at the end the following:

“(14) Section 401, relating to humanitarian and civic assistance provided in conjunction with military operations.


“(17) Section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 894; 10 U.S.C. 2011 note), relating to training of general purpose forces of the United States Armed Forces with military and other security forces of friendly foreign countries.”; and

(5) by striking “of title 10, United States Code” each place it appears.

(d) FORM.—Subsection (e) of such section is amended by adding “that may also include other sensitive information” after “annex”.

(e) CODIFICATION OF SECTION 1211 OF FY 2015 NDAA.—

(1) CODIFICATION.—Chapter 11 of title 10, United States Code, as amended by section 1261 of this Act, is further amended by inserting after section 251 a new section 252 consisting of—

(A) a heading as follows:
§ 252. Annual report on programs carried out by the Department of Defense to provide training, equipment, or other assistance or reimbursement to foreign security forces; and

(B) a text consisting of the text of subsections (a) through (e) of section 1211 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544), as amended by subsections (a) through (d) of this section.

(2) CONFORMING REPEAL.—Section 1211 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544), as amended by subsections (a) through (d) of this section, is repealed.

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT ON HUMANITARIAN AND CIVIC ASSISTANCE ACTIVITIES.—Section 401 of title 10, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(A) by striking subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(3) Annual report on use of authority to train general purpose forces of the United States armed forces with military and other security forces of friendly foreign countries.—Section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 894; 10 U.S.C. 2011 note) is amended—

(A) in subsection (a)(1), by striking “subsection (f)” and inserting “subsection (e)”;

(B) by striking subsection (e); and

(C) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(4) Annual report on use of authority for National Guard State partnership pro-

(A) by striking subsection (f); and

(B) by redesignating subsection (g), subsection (h), the second subsection (h), and subsection (i) as subsections (f), (g), (h), and (i), respectively.

SEC. 1206. INDEPENDENT ASSESSMENT OF DEPARTMENT OF DEFENSE SECURITY COOPERATION PROGRAMS.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center, or another appropriate independent entity, with expertise in security cooperation to conduct an assessment of the Strategic Framework for Department of Defense Security Cooperation.

(2) ELEMENTS.—The assessment under paragraph (1) shall include the following:

(A) An assessment of each of the elements of the Strategic Framework for Department of Defense Security Cooperation, as directed by
section 1202 of the National Defense Author-
ization Act for Fiscal Year 2016 (Public Law

(B) An assessment of the extent to which
security cooperation programs, individually and
in combination, as identified in the Comptroller
General Inventory of Department of Defense
Security Cooperation Programs directed in the
committee report (H. Rept. 114–102) accom-
ppanying the National Defense Authorization
Act for Fiscal Year 2016, and any other rel-
evant studies, contribute to the strategic goals,
primary objectives, priorities, and desired end-
states of Department of Defense security co-
operation programs.

(C) Any other matters the entity that con-
ducts the assessment considers appropriate.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than November 1,
2017, the Secretary of Defense shall submit to the
congressional defense committees, the Committee on
Foreign Relations of the Senate, and the Committee
on Foreign Affairs of the House of Representatives
a report that includes the assessment under sub-
section (a) and any other matters the Secretary considers appropriate.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(a) EXTENSION.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1042), is further amended—

(1) in subsection (a)—

(A) by striking “During fiscal year 2016” and inserting “During the period beginning on October 1, 2016, and ending on December 31, 2017”; and

(B) by striking “in such fiscal year” and inserting “in such period”;

(2) in subsection (b), by striking “fiscal year 2016” and inserting “fiscal year 2017”; and
(3) in subsection (f), by striking “in fiscal year 2016” and inserting “during the period beginning on October 1, 2016, and ending on December 31, 2017”.

(b) AUTHORITY FOR CERTAIN PAYMENTS TO REDRESS INJURY AND LOSS IN IRAQ.—

(1) IN GENERAL.—During the period beginning on October 1, 2016, and ending on December 31, 2017, amounts available pursuant to section 1201 of the National Defense Authorization Act for Fiscal Year 2012, as amended by this section, shall also be available for ex gratia payments for damage, personal injury, or death that is incident to combat operations of the Armed Forces in Iraq.

(2) NOTICE AND WAIT.—The authority in this subsection may not be used until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(A) The amount that will be used for payments pursuant to this subsection.

(B) The manner in which claims for payments shall be verified.

(C) The officers or officials who shall be authorized to approve claims for payments.
(D) The manner in which payments shall be made.

(3) LIMITATION ON AMOUNT AVAILABLE.—The total amount of payments made pursuant to this subsection during the period beginning on October 1, 2016, and ending on December 31, 2017, may not exceed $5,000,000.

(4) AUTHORITIES APPLICABLE TO PAYMENT.—Any payment made pursuant to this subsection shall be made in accordance with the authorities and limitations in section 8121 of the Department of Defense Appropriations Act, 2015 (division C of Public Law 113–235), other than subsection (h) of such section.

(5) CONSTRUCTION WITH RESTRICTION ON AMOUNT OF PAYMENTS.—For purposes of the application of subsection (e) of such section 1201, as so amended, to any payment pursuant to this subsection, such payment shall be deemed to be a project described by such subsection (e).
SEC. 1212. EXTENSION AND MODIFICATION OF AUTHORITY
FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) Extension.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1043), is further amended by striking “fiscal year 2016” and inserting “the period beginning on October 1, 2016, and ending on December 31, 2017,”.

(b) Limitation on Amounts Available.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) in the second sentence, by striking “during fiscal year 2016 may not exceed $1,160,000,000” and inserting “during the period beginning on October 1, 2016, and ending on December 31, 2017, may not exceed $1,100,000,000”; and

(2) in the third sentence, by striking “fiscal year 2016” and inserting “the period beginning on October 1, 2016, and ending on December 31, 2017,”.

(c) Extension of Notice Requirement Relating to Reimbursement of Pakistan for Support
Provided by Pakistan.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1212(c) of the National Defense Authorization Act for Fiscal Year 2016 (129 Stat. 1043), is further amended by striking “September 30, 2016” and inserting “December 31, 2017”.

(d) Extension of Limitation on Reimbursement of Pakistan Pending Certification on Pakistan.—Section 1227(d)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2001), as most recently amended by section 1212(d) of the National Defense Authorization Act for Fiscal Year 2016 (129 Stat. 1043), is further amended by striking “for fiscal year 2016 or any prior fiscal year” and inserting “for any period prior to December 31, 2017”.

(e) Additional Limitation on Reimbursement of Pakistan Pending Certification on Pakistan.—Of the total amount of reimbursements and support authorized for Pakistan during the period beginning on October 1, 2016, and ending on December 31, 2017, pursuant to the third sentence of section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (as amended by subsection (b)(2)), $450,000,000 shall not be
eligible for the waiver under section 1227(d)(2) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 2001) unless the Secretary of Defense certifies to the congressional defense committees that—

(1) Pakistan continues to conduct military operations in North Waziristan that are contributing to significantly disrupting the safe haven and freedom of movement of the Haqqani Network in Pakistan;

(2) Pakistan has taken steps to demonstrate its commitment to prevent the Haqqani Network from using North Waziristan as a safe haven; and

(3) the Government of Pakistan actively coordinates with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border.

SEC. 1213. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1045), is further amended
by striking “December 31, 2016” and inserting “December 31, 2017”.

SEC. 1214. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.


(b) Quarterly Reports.—Subsection (f)(1) of such section, as so amended, is further amended by striking “March 31, 2017” and inserting “March 31, 2018”.

(c) Excess Defense Articles.—Subsection (i)(2) of such section, as so amended, is further amended by striking “,, 2015, and 2016” each place it appears and inserting “,, 2015, 2016, and 2017”.

SEC. 1215. SENSE OF CONGRESS ON UNITED STATES POLICY AND STRATEGY IN AFGHANISTAN.

(a) Findings.—Congress finds the following:
(1) The United States continues to have vital national security interests in ensuring that Afghanistan is a stable, sovereign country.

(2) President Obama signed a Strategic Partnership Agreement and a Bilateral Security Agreement with the President of the Islamic Republic of Afghanistan, which commits the United States to the long-term security of, and defense cooperation with, the Government of Afghanistan and designates Afghanistan as a “major non-NATO ally”.

(3) The unity government in Afghanistan, led by President Ghani and Chief Executive Abdullah, should be applauded for their continued leadership and commitment to Afghanistan’s stability and security.

(4) Stability and security in Afghanistan reinforces stability and security in the region.


(6) The President’s current policy is to draw down from 9,800 to 5,500 United States troops by January 1, 2017. As the recent commander in Afghanistan, General John Campbell, testified to the
Senate Armed Services Committee, “the 5,500 [U.S. troops] plan was developed primarily around counterterrorism. There’s very limited train-advise-and-assist...in those numbers. To continue to build on the Afghan Security Forces, the gaps and seams in aviation, logistics, intelligence...we’d have to make some adjustments to that number.”.

(7) The President’s policy of limiting the number of United States troops that the commander can employ in Afghanistan is hindering the effectiveness of the United States mission therein.

(8) Further, at the current policy of 9,800 United States troops, the new commander of Operation Resolute Support in Afghanistan, General John “Mick” Nicholson, agreed in testimony with the Senate Armed Services Committee that the security situation in Afghanistan has been deteriorating rather than improving.

(9) General John Campbell also stated “. . .Afghan shortfalls will persist beyond 2016. Capability gaps still exist in fixed and rotary-wing aviation, combined arms operations, intelligence collection and dissemination, and maintenance.”.

(10) General John Campbell further stated “I have the authority to protect coalition members
against any insurgents. . .to attack the Taliban just because they’re Taliban, I do not have that authority.”.

(11) The Taliban have made territorial gains and are holding terrain in key geographic areas in Afghanistan, including in Helmand Province.

(12) The Taliban held the city of Kunduz, Afghanistan, which is the first time the Taliban have held a major city in Afghanistan in 14 years.

(13) The Haqqani Network, a designated foreign terrorist organization aligned with the Taliban, is the most lethal group on the battlefield in Afghanistan, and continues to provide safe haven to al-Qaeda.

(14) The Islamic State of Iraq and the Levant (ISIL) has established an affiliate in Afghanistan.

(15) Since the death of the Taliban’s leader, Mullah Mohammad Omar, and the ascendance of Mullah Akhtar Mansoor and Saraj Haqqani, head of the Haqqani Network, to Taliban leadership, the Taliban have not engaged in political reconciliation negotiations with the Government of Afghanistan.

(16) The President has the statutory, legal authority to strike the Taliban and the Haqqani Network.
(b) Sense of Congress.—It is the sense of Congress that—

(1) the President should authorize at least 9,800 United States troops to continue the train, advise, and assist and counterterrorism missions in Afghanistan after 2016;

(2) the President should provide the United States commander in Afghanistan with the authority to unilaterally strike the Taliban and the Haqqani Network;

(3) the President should provide additional resources to strike the Islamic State of Iraq and the Levant (ISIL) in Afghanistan;

(4) the President should provide the United States commander in Afghanistan the authority to conduct the train, advise, and assist mission below the corps level of the Afghan National Defense and Security Forces (ANDSF);

(5) the United States should provide United States Armed Forces lift and close air support to ANDSF units until the ANDSF has a fully capable, organic lift and close air support capability and capacity;

(6) the United States should provide monetary and advisory support for 352,000 ANDSF personnel
and 30,000 Afghan Local Police, including intelligence, surveillance, and reconnaissance support, through 2018;

(7) it should continue to be a top priority to provide United States Armed Forces deployed to Afghanistan with necessary medical, force protection, and combat search and rescue support; and

(8) United States military personnel who are tasked with the mission of providing combat search and rescue support, casualty evacuation, and medical support should not be counted as part of any force management level limitation on the number of United States ground forces in Afghanistan.

SEC. 1216. SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.

(a) ALIENS DESCRIBED.—Section 602(b)(2)(A)(ii)(I) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is amended to read as follows:

“(I)(aa) by, or on behalf of, the United States Government, in the case of an application for Chief of Mission approval submitted before May 31, 2016; or

“(bb) in the case of an application for Chief of Mission approval
submitted on or after May 31, 2016,
in a capacity that required the alien—

“(AA) to serve as an interpreter or translator for United States military personnel in Afghanistan while traveling off-base with such personnel; or

“(BB) to perform sensitive and trusted activities for United States military personnel stationed in Afghanistan; or”.

(b) NUMERICAL LIMITATIONS.—Clauses (i) and (ii) of section 602(b)(3)(F) of such Act are each amended by striking “December 31, 2016;” and inserting “December 31, 2017;”.

(e) REPORT.—Section 602(b)(14) of such Act is amended—

(1) by striking “Not later than 60 days after the date of the enactment of this paragraph,” and inserting “Not later than December 31, 2016, and annually thereafter through January 31, 2021;”;

and

(2) in subparagraph (A)(i), by striking “under this section;” and inserting “under subclause (I) or (II)(bb) of paragraph (2)(A)(ii);”.
Subtitle C—Matters Relating to Syria and Iraq

SEC. 1221. MODIFICATION AND EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.


(b) REPROGRAMMING REQUIREMENT.—Subsection (f) of such section, as amended by section 1225(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1055), is further amended—

(1) in paragraph (1), by striking “December 31, 2016” and inserting “December 31, 2017”; and

(2) by adding at the end the following:

“(3) CERTIFICATION ACCOMPANYING REPROGRAMMING REQUESTS.—Each request under paragraph (1) shall include a certification of the Secretary of Defense that—

“(A) a required number and type of United States Armed Forces have been de-
ployed to support the strategy for Syria required under section 1225(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1054) and to support a plan to retake and hold Raqqa, Syria; and

“(B) a required number and type of United States Armed Forces have been deployed to support the elements of the Syrian opposition and other Syrian groups and individuals that are to be trained and equipped under this section to ensure that such elements, groups, and individuals are able to defend themselves from attacks by the Islamic State of Iraq and the Levant (ISIL) and Government of Syria forces consistent with the purposes set forth in subsection (a).”.

SEC. 1222. MODIFICATION AND EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it should be the policy of the United States to support, within the framework of the Iraqi Constitution, the Iraqi Kurdish Peshmerga, the Iraqi
Security Forces, and Sunni tribal forces in the fight against the Islamic State of Iraq and the Levant;

(2) recognizing the important role of the Iraqi Kurdish Peshmerga within the military campaign against ISIL in Iraq, the United States should provide arms, training, and appropriate equipment directly to the Kurdistan Regional Government; and

(3) efforts should be made to ensure transparency and oversight mechanisms are in place for oversight of United States assistance to combat waste, fraud, and abuse.


(c) Funding.—Subsection (g) of such section, as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1049), is further amended—

(1) by striking the first sentence and inserting the following: “Of the amounts authorized to be appropriated in the National Defense Authorization Act for Fiscal Year 2017 for Overseas Contingency
Operations in title XV for fiscal year 2017, there are authorized to be appropriated $680,000,000 to carry out this section.”; and (2) by striking the second sentence.

(d) Submission of Plan Requirement.—Subsection (k) of such section is amended to read as follows:

“(k) Submission of Plan Requirement.—Not more than 75 percent of the funds authorized to be appropriated under this section may be obligated or expended until not earlier than 15 days after the date on which the Secretary of Defense, in coordination with the Secretary of State, submits to the appropriate congressional committees a plan to re-take Mosul, Iraq from the Islamic State of Iraq and the Levant (ISIL) and to hold Mosul, Iraq.”.

(e) Briefing and Authority to Assist Directly Certain Covered Groups.—Subsection (l) of such section, as so amended, is further amended—

(1) in the subsection heading, by striking “Assessment” and inserting “Briefing”;

(2) in paragraph (1)—

(A) in the paragraph heading, by striking “Assessment” and inserting “Briefing”;

(B) in subparagraph (A)—

(i) by striking “National Defense Authorization Act for Fiscal Year 2016” and
inserting “National Defense Authorization Act for Fiscal Year 2017”; and

(ii) by striking “submit to the appropriate congressional committees an assessment of” and inserting “provide to the appropriate congressional committees a briefing that includes an assessment of”;

(C) in subparagraph (C)—

(i) by striking “submit to the appropriate congressional committees an update of” and inserting “provide to the appropriate congressional committees a briefing that includes an update of”; and

(ii) by striking “the assessment is submitted” and inserting “the briefing is provided”; and

(D) by striking subparagraph (D);

(3) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “If the President” and all that follows through “the Secretary of Defense” and inserting “Of the funds authorized to be appropriated under this section, $50,000,000 shall be available to the Secretary of Defense”;
(ii) by striking “is authorized”;

(iii) by striking “assistance” and inserting “stipends and sustainment”; and

(iv) by adding at the end the following: “Of the funds made available to carry out this subparagraph, not less than 33 percent shall be available for stipends and sustainment for the group described in subparagraph (D)(i).”.

(B) in subparagraph (C)—

(i) in the heading, by striking “COST-SHARING” and inserting “SUBMISSION OF PLAN”; and

(ii) by striking “cost-sharing” and inserting “submission of plan”; and

(C) in subparagraph (D) to read as follows:

“(D) COVERED GROUPS.—The groups described in this subparagraph are the following groups that are directly engaged in the campaign for Mosul, Iraq:

“(i) The Iraqi Kurdish Peshmerga.

“(ii) Sunni tribal security forces, or other local security forces, with a national security mission.”.
(f) Prohibition on Assistance and Report on Equipment or Supplies Transferred to or Acquired by Violent Extremist Organizations.—

(1) Prohibition.—Assistance authorized under section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559), as so amended, may not be provided to the Government of Iraq after the date that is 90 days after the date of the enactment of this Act unless the Secretary of Defense certifies to the appropriate congressional committees, after the date of the enactment of this Act, that the Government of Iraq has taken such actions as may be reasonably necessary to safeguard against such assistance being transferred to or acquired by violent extremist organizations.

(2) Briefing.—

(A) Briefing Required.—Not later than 30 days after the date on which the Secretary of Defense makes any determination that equipment or supplies provided pursuant to section 1236(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law
113–291; 128 Stat. 3559), as so amended, have been transferred to or acquired by a violent extremist organization, the Secretary shall provide to the appropriate congressional committees a briefing that contains a description of the determination of the Secretary and the transfer to or acquisition by the violent extremist organization.

(B) **Elements.**—Each briefing under paragraph (1) shall include, with respect to the transfer covered by the report, the following:

(i) An assessment of the type and quantity of equipment or supplies transferred to the violent extremist organization.

(ii) A description of the criteria used to determine that the organization is a violent extremist organization.

(iii) A description, if known, of how the equipment or supplies were transferred to or acquired by the violent extremist organization.

(iv) If the equipment or supplies are determined to remain under the current control of the violent extremist organiz-
tion, a description of the organization, including its relationship, if any, to the security forces of the Government of Iraq.

(v) A description of the end use monitoring or other policies and procedures in place in order to prevent equipment or supplies to be transferred to or acquired by violent extremist organizations.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the congressional defense committees; and

(ii) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(B) VIOLENT EXTREMIST ORGANIZATION.—The term “violent extremist organization” means an organization that—

(i) is a foreign terrorist organization designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) or is associ-
ated with a foreign terrorist organization;
or
(ii) is known to be under the command and control of, or is associated with, the Government of Iran.

SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.


(1) by striking “fiscal year 2016” and inserting “fiscal year 2017”; and

(2) by inserting “, Iraqi Border Police,” after “Iraqi Ministry of Defense”.

(b) Authority.—Subsection (a) of such section is amended by striking “transition” and inserting “security”.

(c) Amount Available.—Such section, as so amended, is further amended—
(1) in subsection (c), by striking “fiscal year 2016” and inserting “fiscal year 2017”; and

(2) in subsection (d), by striking “fiscal year 2016” and inserting “fiscal year 2017”.

SEC. 1224. REPORT ON PREVENTION OF FUTURE TERRORIST ORGANIZATIONS IN IRAQ AND SYRIA.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that describes the political, economic, and security conditions in Iraq and Syria that would be necessary and sufficient to prevent the formation of future terrorist organizations in Iraq and Syria that may present a danger to the United States, its allies, and the stability of Iraq, Syria, and the rest of the Middle East region.

(b) Matters to Be Included.—The report required under subsection (a) shall include the following:

(1) A detailed construct of the conditions that must be met for the Islamic State to be considered defeated and a successful conclusion to Operation Inherent Resolve achieved.

(2) A detailed explanation of the political, economic, and security conditions that would—

(A) provide reasonable confidence a new terrorist organization, including a successor to
(1) A strategy to prevent the regrowth of al Qaeda or Islamic State, or an unrelated organization, would not form in the region in the short and long term;

(2) decrease probability of terrorist attacks on the United States, its allies, and countries in the Middle East;

(C) eliminate safe havens for terrorist organizations in Syria and Iraq; and

(D) diminish refugee flows within and out of Iraq and Syria.

(3) A strategy for the United States and its allies and partners to facilitate those political, economic, and security conditions in the short and long term, including a description of—

(A) the posture, roles, and activities of the Department of Defense in Iraq and Syria and the region;

(B) the roles and responsibilities of United States’ allies and regional partners; and

(C) the roles and responsibilities for other countries and groups in the region, including Kurds, Shia, and Sunni groups in Iraq and Syria, and Saudi Arabia and Iran.

(4) Any other matters the Secretary of Defense may determine to be appropriate.
SEC. 1225. SEMIANNUAL REPORT ON INTEGRATION OF POLITICAL AND MILITARY STRATEGIES AGAINST ISIL.

(a) Reports Required.—

(1) In General.—The Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress, on a semi-annual basis, a report on the political and military strategies to defeat the Islamic State in Iraq and the Levant.

(2) Submittal.—A report under paragraph (1) shall be submitted not later than June 15 each year, for the 6-month period ending on May 31 of such year, and not later than December 15 each year, for the 6-month period ending on November 30 of such year.

(3) Form.—Each report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) Matters to Be Included.—Each report required under subsection (a) shall include the following:
(1) Military strategy and objectives of the United States Department of Defense and coalition partners against the Islamic State in Iraq and the Levant (hereinafter in this section referred to as “ISIL”);

(2) Political strategy and objectives of the United States Department of State and coalition partners to address the political roots underlying the growth of ISIL, including—

(A) a comprehensive political plan for achieving a transition plan, interim government, and free and fair internationally monitored elections after the end of the current government headed by Bashar al-Assad;

(B) a comprehensive political plan for Iraqi political reform and reconciliation between ethnic groups and political parties (including a plan for passage of national guard legislation, repeal of de-Baathification laws, and a plan for equitable petroleum revenue sharing with the Kurdistan Regional Government); and

(C) a critical assessment of the current size and structure of the Iraqi Security Forces (hereinafter in this section referred to as “ISF”) including an assessment of—
(i) provincial and neighborhood militias and special counterterrorism units;

(ii) any changes in strength and mix of force structure within the ISF;

(iii) levels of recruitment, retention, and attrition within ISF forces; and

(iv) the operating budget of the ISF.

(c) REPORT BY COMPTROLLER GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a review of—

(1) the transparency and anti-fraud, internal controls and accounting, and other measures undertaken by the Government of Iraq for the ISF, including irregular forces, relating to cash transfers and other assistance provided through the Iraq Train and Equip Fund; and

(2) the financial management capacity and accountability of United States direct assistance with respect to all recipients of funding under the Iraq Train and Equip Fund.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(e) Sunset.—The requirements under this section shall expire on the date that is three years after the date of the enactment of this Act.

Subtitle D—Matters Relating to the Russian Federation

SEC. 1231. LIMITATION ON USE OF FUNDS TO APPROVE OR OTHERWISE PERMIT APPROVAL OF CERTAIN REQUESTS BY RUSSIAN FEDERATION UNDER OPEN SKIES TREATY.

(a) Definitions.—In this section:

(1) Appropriate congressional committees.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Perma-
(2) COVERED STATE PARTY.—The term “covered state party” means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(3) OBSERVATION AIRCRAFT, OBSERVATION FLIGHT, AND SENSOR.—The terms “observation aircraft”, “observation flight”, and “sensor” have the meanings given such terms in Article II of the Open Skies Treaty.


(b) LIMITATION.—None of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for fiscal year 2017 or any subsequent fiscal year may be used to approve or otherwise permit the approval of a request by the Russian Federation to carry out an initial or exhibition observation flight or certification event of an observation aircraft on which is installed an upgraded sensor with infrared or synthetic aperture radar capability over the territory of the United
States or over the territory of a covered state party under the Open Skies Treaty unless and until the Secretary of Defense, jointly with the Secretary of State, the Secretary of Energy, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Director of National Intelligence, and the commander of U.S. Strategic Command and the Commander of U.S. Northern Command in the case of a flight over the territory of the United States and the Commander of U.S. European Command in the case of other flights, submits to the appropriate congressional committees the following:

(1) CERTIFICATION.—A certification that—

(A) the Russian Federation—

(i) is taking no action that is inconsistent with the terms of the Open Skies Treaty;

(ii) is not exceeding the imagery limits set forth in the Treaty; and

(iii) is allowing overflights by covered state parties over all of Moscow, Chechnya, Abkhazia, South Ossetia, and Kaliningrad without restriction and without inconsistency to requirements under the Open Skies Treaty; and
(B) covered state parties have been notified and briefed on concerns of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) regarding upgraded sensors used under the Open Skies Treaty.

(2) REPORT.—A report on the Open Skies Treaty that includes the following:

(A) The annual costs to the United States associated with countermeasures to combat potential abuses of Russian flights carried out under the Open Skies Treaty over European and United States territories with a sensor described in paragraph (1)(B).

(B) A plan to replace the Open Skies Treaty architecture with a more robust sharing of overhead commercial imagery, consistent with United States national security, with covered state parties, excluding the Russian Federation.

(C) An evaluation by the Director of National Intelligence of matters concerning how an observation flight described in subparagraph (A) could implicate intelligence activities of the Russian Federation in the United States and
United States counterintelligence activities and vulnerabilities.

(D) An assessment of how such information is used by the Russian Federation, for what purpose, and how the information fits into the Russian Federation’s overall collection posture.

(c) NOTICE.—

(1) IN GENERAL.—Not later than 14 days after the completion of an observation flight over the United States, the Secretary of Defense, jointly with the Secretary of Energy, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall notify the appropriate congressional committees of such flight.

(2) CONTENTS.—Notice submitted for a flight pursuant to paragraph (1) shall include the following:

(A) A description of the flight path.

(B) An analysis of whether and the extent to which any United States critical infrastructure was the subject of image capture activities of such flight.
(C) An estimate for the mitigation costs imposed on the Department of Defense or other United States Government agencies by such flight.

(D) An assessment of how such information is used by the Russian Federation, for what purpose, and how the information fits into the Russian Federation’s overall collection posture.

(d) ADDITIONAL LIMITATION.—

(1) IN GENERAL.—Not more than 65 percent of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for fiscal year 2017 year may be used to carry out any activities to implement the Open Skies Treaty until the requirements described in paragraph (2) are met.

(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

(A) The Director of National Intelligence and the Director of the National Geospatial-Intelligence Agency jointly submit to the appropriate congressional committees a report on the following:

(i) Whether it is possible, consistent with United States national security inter-
ests, to provide enhanced access to United States commercial imagery or other United States capabilities, consistent with the protection of sources and methods and United States national security, to covered state parties that is qualitatively similar to that derived by flights over the territory of the United States or over the territory of a covered state party under the Open Skies Treaty, on a more timely basis.

(ii) What the cost would be to provide enhanced access to such commercial imagery or other capabilities as compared to the current imagery sharing through the Open Skies Treaty.

(iii) Whether any new agreements would be needed to provide enhanced access to such commercial imagery or other capabilities and what would be required to obtain such agreements.

(iv) Whether transitioning to such commercial imagery or other capabilities from the current imagery sharing through the Open Skies Treaty would reduce opportunities by the Russian Federation to
exceed imagery limits and reduce utility for Russian intelligence collection against the United States or covered state parties.

(v) How such commercial imagery or other capabilities would compare to the current imagery sharing through the Open Skies Treaty.

(B) The Secretary of State, in consultation with the Director of the National Geospatial Intelligence Agency and the Secretary of Defense, submits to the appropriate congressional committees an unclassified report that—

(i) details the costs for implementation of the Open Skies Treaty, including—

(I) mitigation costs relating to national security; and

(II) aircraft, sensors, and related overhead and treaty implementation costs for covered state parties; and

(ii) describes the impact on contributions by covered state parties and relationships among covered state parties in the context of the Open Skies Treaty, the North Atlantic Treaty Organization, and
any other venues for United States partnership dialogue and activity.

SEC. 1232. MILITARY RESPONSE OPTIONS TO RUSSIAN FEDERATION VIOLATION OF INF TREATY.

(a) IN GENERAL.—An amount equal to $10,000,000 of the amount authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2017 to provide support services to the Executive Office of the President shall be withheld from obligation or expenditure until the Secretary of Defense—

(1) submits to the appropriate congressional committees the plan for the development of military capabilities as described in paragraph (1) of section 1243(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1062); and

(2) carries out the development of capabilities pursuant to such plan in accordance with the requirements described in paragraph (3) of such section.

(b) DEFINITION.—In this section, the term “appropriate congressional committees” has the meaning given such term in section 1243(e) of the National Defense Authorization Act for Fiscal Year 2016.
SEC. 1233. LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated for fiscal year 2017 for the Department of Defense may be used for any bilateral military-to-military cooperation between the Governments of the United States and the Russian Federation until the Secretary of Defense, in coordination with the Secretary of State, certifies to the appropriate congressional committees that—

(1) the Russian Federation has ceased its occupation of Ukrainian territory and its aggressive activities that threaten the sovereignty and territorial integrity of Ukraine and members of the North Atlantic Treaty Organization; and

(2) the Russian Federation is abiding by the terms of and taking steps in support of the Minsk Protocols regarding a ceasefire in eastern Ukraine.

(b) NONAPPLICABILITY.—The limitation in subsection (a) shall not apply to—

(1) any activities necessary to ensure the compliance of the United States with its obligations or the exercise of rights of the United States under any bilateral or multilateral arms control or nonproliferation agreement or any other treaty obligation of the United States; and
(2) any activities required to provide logistical
or other support to the conduct of United States or
North Atlantic Treaty Organization military oper-
ations in Afghanistan or the withdrawal from Af-
ghanistan.

(c) WAIVER.—The Secretary of Defense may waive
the limitation in subsection (a) if the Secretary of Defense,
in coordination with the Secretary of State—

(1) determines that the waiver is in the national
security interest of the United States; and

(2) submits to the appropriate congressional
committees—

(A) a notification that the waiver is in the
national security interest of the United States
and a description of the national security inter-
est covered by the waiver; and

(B) a report explaining why the Secretary
of Defense cannot make the certification under
subsection (a).

(d) EXCEPTION FOR CERTAIN MILITARY BASES.—
The certification requirement specified in paragraph (1)
of subsection (a) shall not apply to military bases of the
Russian Federation in Ukraine’s Crimean peninsula oper-
ating in accordance with its 1997 agreement on the Status
and Conditions of the Black Sea Fleet Stationing on the Territory of Ukraine.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1234. STATEMENT OF POLICY ON UNITED STATES EFFORTS IN EUROPE TO REASSURE UNITED STATES PARTNERS AND ALLIES AND DETER AGGRESSION BY THE GOVERNMENT OF THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Russian Federation, under the leadership of President Vladimir Putin, continues to demonstrate its intent to expand its sphere of influence and limit Western influence both regionally and globally.

(2) In March 2016, at a House Armed Services Committee hearing discussing worldwide threats, Major General James Marrs, Director for Intel-
ligence in the Joint Staff stated, “principally, what we are seeing in Russia. . .is just a breadth of capabilities from strategic systems to anti access area denial to even, I would say, a growing adeptness at operating sort of just short of traditional military conflict that is posing a significant challenge in the future”.

(3) In July 2015, Chairman of the Joint Chiefs of Staff, General Joseph Dunford, testified to the Senate Armed Services Committee, that “Russia presents the greatest threat to our national security”. In November 2015, Secretary of Defense, Ashton Carter, discussed the need for “adapting our operational posture and contingency plans. . .to deter Russia’s aggression”.

(4) In February 2016, the Rand Corporation released its report, “Reinforcing Deterrence on NATO’s Eastern Flank”, concluding that at a maximum it would take Russian forces approximately 60 hours to reach the capitals of Estonia and Latvia, exhibiting the challenge to North Atlantic Treaty Organization (NATO) member countries of successfully defending such territory with its current posture and capability.
(5) In February 2016, the Center for Strategic and International Studies released its report, “Evaluating U.S. Army Force Posture in Europe”, calling for increased pre-positioned sets of United States military equipment, increased rotational forces and associated enablers, increased logistics capabilities, and increased investment in combating unconventional warfare methods in Europe.

(6) In February 2016, the National Commission on the Future of the Army released its findings and recommendations, which included Recommendation 14 calling for stationing an Armored Brigade Combat Team Forward in Europe and Recommendation 15 calling for the conversion of Army Europe Aviation Headquarters to a warfighting mission command.

(7) In the National Defense Authorization Act for Fiscal Year 2015 (Public Law 114–92) and the National Defense Authorization Act for Fiscal Year 2016 (Public Law 113–291), Congress authorized approximately $1,800,000,000 for the European Reassurance Initiative to reassure allies through expanded United States military presence in Europe through rotational deployments of United States troops, bilateral and multilateral exercises, improved
infrastructure, increased pre-positioned United States military equipment, and building partnership capacity.

(8) The budget of the President for fiscal year 2017 submitted to Congress under section 1105(a) of title 31, United States Code, includes $3,420,000,000 for the European Reassurance Initiative to begin the transition from primarily reassuring United States partners and allies to deterring the Russian Federation.

(9) The request encompasses a large increase of conventional resources, including additional rotational deployments of United States troops and pre-positioning an Armored Brigade Combat Team’s worth of equipment into Europe.

(10) The request also includes increased funding for unconventional warfare resources, including cyber and special operations forces, as well as for intelligence and indicators and warning.

(b) STATEMENT OF POLICY.—

(1) IN GENERAL.—It is the policy of the United States to reassure United States partners and allies in Europe and to work with United States partners and allies to deter aggression by the Government of
the Russian Federation in order to enhance regional
and global security and stability.

(2) CONDUCT OF POLICY.—The policy described
in paragraph (1) shall, among other things, be car-
ried out through a comprehensive defense strategy
and guidance to outline the future path of defense
resources and capabilities in the European theater.
Such strategy and guidance shall include—

(A) use and expansion of conventional
methods, including increased United States
presence, pre-positioning of United States mili-
tary equipment, increased infrastructure, and
building partnership capacity in Europe;

(B) emphasis on developing capabilities for
countering unconventional methods of warfare,
including cyber warfare, economic warfare, in-
formation operations, and intelligence oper-
ations; and

(C) encouraging security assistance and
capabilities of partners and allies, including
NATO member countries.

SEC. 1235. MODIFICATION OF UKRAINE SECURITY ASSIST-
ANCE INITIATIVE.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Sub-
section (a) of section 1250 of the National Defense Au-
Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) by striking “Of the amounts” and all that follows through “the Secretary of Defense” and inserting “The Secretary of Defense”; and

(2) by inserting “is authorized” before “to pro-
vide”.

(b) AVAILABILITY OF FUNDS.—Subsection (c) of such section is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1) (as so redesignated)—

(A) by striking “paragraph (3)” and insert-
ing “paragraph (2)”; and

(B) by striking “pursuant to subsection
(a)” and inserting “to carry out this section for a fiscal year”; and

(4) in paragraph (2) (as so redesignated)—

(A) by striking “paragraph (2)” and insert-
ing “paragraph (1)”; and

(B) by striking “commencing on the date that is six months after the date of the enact-
ment of this Act”.

SEC. 1236. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the restriction on the obligation or expenditure of funds required by subsection (a) if the Secretary—

(1) determines that to do so is in the national security interest of the United States; and

(2) submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a notification of the waiver at the time the waiver is invoked.

SEC. 1237. MODIFICATION AND EXTENSION OF REPORT ON MILITARY ASSISTANCE TO UKRAINE.

(a) FINDINGS.—Congress makes the following findings:
(1) Ukraine’s border is 6,995 kilometers long, including 1,974 kilometers of controlled border with the Russian Federation, 195 kilometers of an administrative line with Crimea, and 409 kilometers of border in the east that is currently uncontrolled.

(2) Since the beginning of the Russian-Ukrainian conflict in 2014, 64 Ukrainian border guards have been killed and another 391 have been wounded.

(3) Implementation of the Minsk Agreement, signed in February 2015, requires the State Border Guard Service of Ukraine to reestablish border checkpoints in currently uncontrolled territory and to monitor the border to verify full implementation of the Agreement.

(4) Ukraine is developing engineering and technical systems to strengthen the controlled border between Ukraine and the Russian Federation, Ukrainian maritime borders, and areas adjacent to the uncontrolled territory and occupied Crimea.

(5) Russian unmanned aerial vehicles are being used to support Russian-backed separatist artillery fire against Ukrainian forces.
Due to a lack of resources and equipment, Ukraine lacks an effective early warning network to warn of any new aggression on the border.

(7) Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) calls for the United States to provide to Ukraine critical training and equipment to enhance the capabilities of the military and other security forces of Ukraine to defend against further aggression from the Russian Federation and Russian-backed separatists.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue to support the Government of Ukraine’s efforts to provide and maintain security in Ukraine;

(2) the State Border Guard Service of Ukraine needs sufficient equipment and technical assistance to defend and monitor Ukraine’s borders and to fully implement the Minsk Agreement; and

(3) the Department of Defense should continue its work with the Ukrainian military, Ukrainian National Guard, and Ukrainian State Border Guard Service to strengthen Ukraine’s defenses and defend its borders against aggressive actions.
(c) Modification and Extension of Report on Military Assistance to Ukraine.—

(1) Congressional committees.—Subsection (b) of section 1275 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3591) is amended by inserting “and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives” after “congressional defense committees”.

(2) Elements.—Subsection (c) of such section is amended by adding at the end the following:

“(8) A description of the extent to which the Department of Defense has provided security assistance to the Government of Ukraine for the purposes of protecting and monitoring the borders of Ukraine.”.

(3) Extension.—Subsection (e) of such section, as amended by section 1250(g) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1070), is further amended by striking “December 31, 2017” and inserting “December 31, 2019”.

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May 3, 2016 (4:48 p.m.)
SEC. 1238. ADDITIONAL MATTERS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.


(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following:

“(18) The current state of Russia’s foreign military deployments, which shall include the following:

“(A) For each such deployment, the estimated number of forces, types of capabilities to include advanced weapons, length of deployment, and where possible identifying basing agreements.

“(B) The following information with respect to such deployments to be disaggregated on a country-by-country basis:
“(i) The number of Russian military personnel, including combat troops, military trainers, combat enabling capabilities and border security agents, deployed to the country with the consent of the national or local government. Such information should include the length of the basing arrangements and the strategic importance of the location.

“(ii) The number of such Russian military personnel deployed in areas where Russian forces entered the country by force or are otherwise deployed over the objections of the national or local government.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to reports submitted under section 1245 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 after that date.
Subtitle E—Other Matters

SEC. 1241. SENSE OF CONGRESS ON MALIGN ACTIVITIES OF THE GOVERNMENT OF IRAN.

(a) FINDINGS.—Congress finds that the Government of Iran continues to conduct provocative, malign activities in the region, including—

(1) the launch of the Shahab-3 medium-range ballistic missile and Qiam-1 short-range ballistic missiles;

(2) the intent to launch the Simorgh Space-Launch Vehicle (SLV) as stated by Lieutenant General Vincent Stewart in testimony to the House Armed Services Committee: “Iran stated publicly it intends to launch the Simorgh (SLV), which would be capable of intercontinental ballistic missile (ICBM) range.”;

(3) the detention of United States service members, which the Secretary of Defense, Ashton Carter, described in testimony to the House Armed Services Committee as “unprofessional” and “outrageous”;

(4) the support of foreign terrorist organizations designated by the Department of State, such as Lebanese Hezbollah and Kata’ib Hizbollah;

(5) the support of the Assad regime in Syria;
(6) the support of Shia militias in Iraq that have been directly responsible for the deaths of United States service members; and

(7) the support of the Houthi rebels in Yemen in contravention to the internationally-recognized, legitimate Government of Yemen.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Joint Comprehensive Plan of Action (JCPOA) does not address the totality of the malign activities of the Government of Iran, including ballistic missile launches, support for designated foreign terrorist organizations, or other proxies conducting malign activities in the region and globally;

(2) the United States should increase its efforts to counter the continued expansion of malign activities of the Government of Iran in the Middle East;

(3) the United States should ensure that it has robust, enduring military posture and capabilities forward deployed in the Arabian Gulf region to deter Iranian aggression and respond to Iranian aggression, if necessary; and

(4) the United States should strengthen ballistic missile defense capabilities and increase secu-
rity assistance to United States partners and allies in the region.

SEC. 1242. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended by striking “March 1 each year” and inserting “January 31 of each year through January 31, 2021”.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as most recently amended by section 1252(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3571), is further amended by adding at the end the following:

“(21) A summary of the order of battle of the People’s Liberation Army, including anti-ship ballistic missiles, theater ballistic missiles, and land attack cruise missile inventory.”.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to reports required to be
SEC. 1243. SENSE OF CONGRESS ON TRILATERAL COOPERATION BETWEEN JAPAN, SOUTH KOREA, AND THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) Japan and the Republic of Korea (South Korea) are both treaty allies and critically important security partners of the United States.

(2) Japan and South Korea confront a range of shared challenges to their national security and to stability in the Asia-Pacific region, including the multitude of threats posed by the Democratic People’s Republic of Korea (North Korea).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue to support trilateral cooperation with Japan and South Korea;

(2) the United States should continue to support defense cooperation between Japan and South Korea on the full range of issues related to North Korea and to other security challenges in the Asia-Pacific region; and

was submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 on or after that date.
(3) the United States should seek to facilitate closer security cooperation with and between Japan and South Korea on—
   (A) non-proliferation;
   (B) cyber security;
   (C) maritime security;
   (D) security technology and capability development; and
   (E) other areas of mutual security benefit.

SEC. 1244. SENSE OF CONGRESS ON COOPERATION BETWEEN SINGAPORE AND THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:
   (1) 2016 is the 50th year of relations between the United States and the Republic of Singapore.
   (2) The United States and Singapore signed an enhanced defense cooperation agreement on December 7, 2015.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
   (1) the United States should continue to conduct bilateral cooperation and support the strategic partnership with Singapore to promote peace and stability in the Asia-Pacific region;
(2) the United States welcomes the signing of
the enhanced Defense Cooperation Agreement with
Singapore and should expand bilateral training and
coopera
security, cyber security, countering violent extre-
mism, humanitarian assistance, and disaster relief;

(3) the United States should continue efforts
with Singapore to address transnational issues and
strengthen regional and multilateral institutions that
promote security cooperation based on internation-
ally accepted rules and norms; and

(4) the United States should improve joint
interoperability and security collaboration with
Singapore to enhance capabilities to maintain re-
ge

SEC. 1245. MONITORING AND EVALUATION OF OVERSEAS
HUMANITARIAN, DISASTER, AND CIVIC AID
PROGRAMS OF THE DEPARTMENT OF DE-
FENSE.

(a) IN GENERAL.—Of the amounts authorized to be
appropriated by this Act for Overseas Humanitarian, Dis-
aster, and Civic Aid, the Secretary of Defense is author-
ized to use up to 5 percent of such amounts to conduct
monitoring and evaluation of programs that are funded
using such amounts during fiscal year 2017.
(b) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on mechanisms to evaluate the programs conducted pursuant to the authorities listed in subsection (a).

(c) DEFINITION.—In subsection (b), the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1246. ENHANCEMENT OF INTERAGENCY SUPPORT DURING CONTINGENCY OPERATIONS AND TRANSITION PERIODS.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of State may enter into an agreement under which each Secretary may provide covered support, supplies, and services on a reimbursement basis, or by exchange of covered support, supplies, and services, to the other Secretary during a contingency operation and related transition period for up to two years following the end of such contingency operation.
(b) AGREEMENT.—An agreement entered into under this section shall be in writing and shall include the following terms:

(1) The price charged by a supplying agency shall be the direct costs that such agency incurred by providing the covered support, supplies, or services to the requesting agency under this section.

(2) Credits and liabilities of the agencies accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be liquidated not less often than once every 3 months by direct payment to the agency supplying such support, supplies, or services by the agency receiving such support, supplies, or services.

(3) Exchange entitlements accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be satisfied within 12 months after the date of the delivery of the covered support, supplies, or services. Exchange entitlements not so satisfied shall be immediately liquidated by direct payment to the agency supplying such covered support, supplies, or services.

(e) EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.—An order placed by an agency pursuant to an agreement under this section is deemed to be an obligation
in the same manner that a similar order placed under a
contract with, or a contract for similar goods or services
awarded to, a private contractor is an obligation. Approp-
riations remain available to pay an obligation to the serv-
ing agency in the same manner as appropriations remain
available to pay an obligation to a private contractor.

(d) DEFINITIONS.—In this section:

(1) COVERED SUPPORT, SUPPLIES, AND SERV-
ICES.—The term “covered support, supplies, and
services” means food, billeting, transportation (in-
cluding airlift), petroleum, oils, lubricants, commun-
ications services, medical services, ammunition,
base operations support, use of facilities, spare parts
and components, repair and maintenance services,
and calibration services.

(2) CONTINGENCY OPERATION.—The term
“contingency operation” has the meaning given that
term in section 101(a)(13) of title 10, United States
Code.

(e) CREDITING OF RECEIPTS.—Any receipt as a re-
result of an agreement entered into under this section shall
be credited, at the option of the Secretary of Defense with
respect to the Department of Defense and the Secretary
of State with respect to the Department of State, to—
(1) the appropriation, fund, or account used in 
incurred the obligation; or 

(2) an appropriate appropriation, fund, or ac-
count currently available for the purposes for which 
the expenditures were made.

(f) Notification.—Not later than 30 days after the 
end of a fiscal year in which covered support, supplies, 
and services are provided or exchanged pursuant to an 
agreement under this section, the Secretary of Defense 
and the Secretary of State shall jointly submit to the con-
gressional defense committees, the Committee on Foreign 
Relations of the Senate, and the Committee on Foreign 
Affairs of the House of Representatives a notification that 
contains a copy of such agreement and a description of 
such covered support, supplies, and services.

(g) Sunset.—The authority to enter into an agree-
ment under this section shall terminate at the close of De-
cember 31, 2018.

SEC. 1247. TWO-YEAR EXTENSION AND MODIFICATION OF 
AUTHORIZATION OF NON-CONVENTIONAL AS-
SISTED RECOVERY CAPABILITIES.

(a) Extension of Authority.—Subsection (h) of 
section 943 of the Duncan Hunter National Defense Au-
thorization Act for Fiscal Year 2009 (Public Law 110– 
417; 122 Stat. 4579), as most recently amended by sec-

(b) Modification to Authorized Activities.—Subsection (c) of such section is amended by inserting “, or other individuals, as determined by the Secretary of Defense, with respect to already established non-conventional assisted recovery capabilities” before the period at the end of the first sentence.

SEC. 1248. AUTHORITY TO DESTROY CERTAIN SPECIFIED WORLD WAR II-ERA UNITED STATES-ORIGIN CHEMICAL MUNITIONS LOCATED ON SAN JOSE ISLAND, REPUBLIC OF PANAMA.

(a) Authority.—

(1) In general.—Subject to subsection (b), the Secretary of Defense may destroy the chemical munitions described in subsection (c).

(2) Ex gratia action.—The action authorized by this section is “ex gratia” on the part of the United States, as the term “ex gratia” is used in section 321 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2701 note).
(3) Consultation between Secretary of Defense and Secretary of State.—The Secretary of Defense and the Secretary of State shall consult and develop any arrangements with the Republic of Panama with respect to this section.

(b) Conditions.—The Secretary of Defense may exercise the authority under subsection (a) only if the Republic of Panama has—

(1) revised the declaration of the Republic of Panama under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to indicate that the chemical munitions described in subsection (c) are “old chemical weapons” rather than “abandoned chemical weapons”; and

(2) affirmed, in writing, that it understands (A) that the United States intends only to destroy the munitions described in subsections (c) and (d), and (B) that the United States is not legally obligated and does not intend to destroy any other munitions, munitions constituents, and associated debris that may be located on San Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947.
(c) CHEMICAL MUNITIONS.—The chemical munitions described in this subsection are the eight United States-origin chemical munitions located on San Jose Island, Republic of Panama, that were identified in the 2002 Final Inspection Report of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons.

(d) LIMITED INCIDENTAL AUTHORITY TO DESTROY OTHER MUNITIONS.—In exercising the authority under subsection (a), the Secretary of Defense may destroy other munitions located on San Jose Island, Republic of Panama, but only to the extent essential and required to reach and destroy the chemical munitions described in subsection (c).

(e) SOURCE OF FUNDS.—Of the amounts authorized to be appropriated by this Act, the Secretary of Defense may use up to $30,000,000 from amounts made available for Chemical Agents and Munitions Destruction, Defense to carry out the authority in subsection (a).

(f) SUNSET.—The authority under subsection (a) shall terminate on the date that is three years after the date of the enactment of this Act.

SEC. 1249. STRATEGY FOR UNITED STATES DEFENSE INTERESTS IN AFRICA.

(a) REQUIRED REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary
of Defense shall submit to the congressional defense committees a report that contains the strategy for United States defense interests in Africa.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall address the following:

(1) United States national security interests in Africa, including an assessment of threats to global and regional United States national security interests emanating from the continent.

(2) United States defense objectives in Africa.

(3) Courses of action to accomplish United States defense objectives in Africa, including those conducted in cooperation with other Federal agencies.

(4) Measures to improve coordination between United States Africa Command and other combatant commands to achieve unity of effort to counter threats that cross combatant command boundaries.

(5) Department of Defense capabilities and resources required to achieve defense objectives in Africa, and the mitigation plan to address any gaps in such capabilities or resources that affect the implementation of the strategy required by subsection (a).

(6) Security cooperation initiatives to advance defense objectives in Africa.
(7) Any other matters the Secretary of Defense determines to be appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

SEC. 1250. UNITED STATES-ISRAEL DIRECTED ENERGY OPERATION.

(a) Authority To Establish Directed Energy Capabilities Program With Israel.—

(1) IN GENERAL.—The Secretary of Defense, upon the request of the Ministry of Defense of Israel, and with the concurrence of the Secretary of State, may carry out research, development, test, and evaluation activities, on a joint basis with Israel, to establish directed energy capabilities to detect and defeat ballistic missiles, cruise missiles, unmanned aerial vehicles, mortars, and improvised explosive devices that threaten the United States, deployed forces of the United States, or Israel. Any activities carried out pursuant to such authority shall be conducted in a manner that appropriately protects sensitive information and the national security interests of the United States and Israel.

(2) REPORT.—The activities described in paragraph (1) may be carried out after the Secretary of
Defense submits to the appropriate committees of Congress a report setting forth the following:

(A) A memorandum of agreement between the United States and Israel regarding sharing of research and development costs for the capabilities described in paragraph (1), and any supporting documents.

(B) A certification that the memorandum of agreement—

(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including a description of what the funds have been used for, when funds were expended, and an identification of entities that expended the funds.
(3) Annual limitation on amount.—The amount of support provided under this subsection in any year may not exceed $25,000,000.

(b) Lead agency.—The Secretary of Defense shall designate the Missile Defense Agency as the appropriate research and development entity and as the lead agency of the Department of Defense in carrying out this section.

(c) Semiannual reports.—The Secretary of Defense shall submit to the appropriate committees of Congress on a semiannual basis a report that contains a copy of the most recent semiannual report provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(2)(B)(iii).

(d) Sunset.—The authority in this section to carry out activities described in subsection (a) shall expire on December 31, 2018.

(e) Appropriate committees of Congress defined.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and
(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1251. SENSE OF CONGRESS ON SUPPORT FOR ESTONIA, LATVIA, AND LITHUANIA.

(a) FINDINGS.—Congress finds the following:

(1) The Baltic States of Estonia, Latvia, and Lithuania are highly valued allies of the United States, and they have repeatedly demonstrated their commitment to advancing our mutual interests as well as those of the NATO Alliance.

(2) Operation Atlantic Resolve is a series of exercises and coordinating efforts demonstrating the United States’ commitment to its European partners and allies, including the Baltic States of Estonia, Latvia, and Lithuania, with the shared goal of peace and stability in the region. Operation Atlantic Resolve strengthens communication and understanding, and is an important effort to deter Russian aggression in the region.

(3) Through Operation Atlantic Resolve, the European Reassurance Initiative undertakes exercises, training, and rotational presence necessary to
reassure and integrate our allies, including the Baltic States, into a common defense framework.

(4) All three Baltic States contributed to the NATO-led International Security Assistance Force in Afghanistan, sending disproportionate numbers of troops and operating with few caveats. The Baltic States continue to engage in Operation Resolute Support in Afghanistan.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its support for the principle of collective defense in Article 5 of the North Atlantic Treaty for our NATO allies, including Estonia, Latvia, and Lithuania;

(2) supports the sovereignty, independence, territorial integrity, and inviolability of Estonia, Latvia, and Lithuania as well as their internationally recognized borders, and expresses concerns over increasingly aggressive military maneuvering by the Russian Federation near their borders and airspace;

(3) expresses concern over and condemns subversive and destabilizing activities by the Russian Federation within the Baltic States; and

(4) encourages the Administration to further enhance defense cooperation efforts with Estonia, Latvia, and Lithuania and supports the efforts of
their Governments to provide for the defense of their
people and sovereign territory.

SEC. 1252. SENSE OF CONGRESS ON SUPPORT FOR GEOR-
GIA.

(a) FINDINGS.—Congress finds the following:

(1) Georgia is a valued friend of the United
States and has repeatedly demonstrated its commit-
ment to advancing the mutual interests of both
countries, including the deployment of Georgian
forces as part of the NATO-led International Secu-
rity Assistance Force (ISAF) in Afghanistan and the
Multi-National Force in Iraq.

(2) The European Reassurance Initiative builds
the partnership capacity of Georgia so it can work
more closely with the United States and NATO, as
well as provide for its own defense.

(3) In addition to the European Reassurance
Initiative, Georgia’s participation in the NATO ini-
tiative Partnership for Peace is paramount to inter-
operability with the United States and NATO, and
establishing a more peaceful environment in the re-
gion.

(4) Despite the losses suffered, as a NATO
partner of ISAF, Georgia is engaged in the Resolute
Support Mission in Afghanistan with the second largest contingent on the ground.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms United States support for Georgia’s sovereignty and territorial integrity within its internationally-recognized borders, and does not recognize the independence of the Abkhazia and South Ossetia regions currently occupied by the Russian Federation; and

(2) supports continued cooperation between the United States and Georgia and the efforts of the Government of Georgia to provide for the defense of its people and sovereign territory.

SEC. 1253. MODIFICATION OF ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) IN GENERAL.—Subsection (b)(3) of section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (G) through (I), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) an estimate of Iran’s military cyber capabilities, including persons and entities oper-
ating on behalf of Iran, and any information on
those persons or entities responsible for target-
ning United States critical infrastructure or
United States persons or entities;
“(F) information on Iranian military and
security organizations responsible for detaining
members of the United States Armed Forces or
interfering in United States military oper-
ations;”.

(b) EFFECTIVE DATE.—The amendments made by
subsection (a) take effect on the date of the enactment
of this Act and apply with respect to reports required to
be submitted under section 1245 of the National Defense
Authorization Act for Fiscal Year 2010 on or after such
date of enactment.

SEC. 1254. SENSE OF CONGRESS ON SENIOR MILITARY EX-
CHANGES BETWEEN THE UNITED STATES

AND TAIWAN.

(a) IN GENERAL.—It is the sense of Congress that
the Secretary of Defense should conduct a program of sen-
ior military exchanges between the United States and Tai-
wan that have the objective of improving military-to-mili-
tary relations and defense cooperation between the United
States and Taiwan.
(b) Administration of Program.—It is the sense of Congress that the program described in subsection (a)—

(1) should be conducted at least once each calendar year; and

(2) should be conducted in both the United States and Taiwan.

c) Definitions.—In this section:

(1) Senior military exchange.—The term “senior military exchange” means an activity, exercise, professional education event, or observation opportunity in which senior military officers and senior defense officials participate.

(2) Senior military officer.—The term “senior military officer” means a general or flag officer on active duty in the armed forces.

(3) Senior defense official.—The term “senior defense official”, with respect to the Department of Defense, means a civilian official at the level of Assistant Secretary of Defense or above.

SEC. 1255. QUARTERLY REPORT ON FREEDOM OF NAVIGATION OPERATIONS.

(a) In General.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:
§ 130i. Quarterly report on freedom of navigation operations

“(a) REPORT REQUIRED.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the congressional defense committees a report on any excessive territorial claims of foreign countries that were challenged by freedom of navigation operations and flights carried out by the armed forces during such fiscal quarter.

“(b) ELEMENTS.—The report under subsection (a) shall include, with respect to each operation described in such subsection, the following:

“(1) The date of the operation.

“(2) The class of ship or type of aircraft that conducted the operation.

“(3) The geographic location of the operation.

“(4) Identification of the foreign country that made the excessive territorial claim challenged by the operation.

“(5) A description of the excessive territorial claim that was challenged by the operation.

“(c) SUNSET.—This section shall terminate on September 30, 2018.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting
after the item relating to section 130h the following new item:

“130i. Quarterly report on freedom of navigation operations.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to fiscal quarters beginning after such date.

Subtitle F—Codification and Consolidation of Department of Defense Security Cooperation Authorities

SEC. 1261. ENACTMENT OF NEW CHAPTER FOR DEPARTMENT OF DEFENSE SECURITY COOPERATION AUTHORITIES AND TRANSFER OF CERTAIN AUTHORITIES TO NEW CHAPTER.

(a) STATUTORY CODIFICATION.—Chapter 11 of part I of subtitle A of title 10, United States Code, is amended to read as follows:

“CHAPTER 11—SECURITY COOPERATION

SUBCHAPTER I—GENERAL MATTERS

Sec. 251. Definitions.

Sec. 252. Annual report on programs carried out by the Department of Defense to provide training, equipment, or other assistance or reimbursement to foreign security forces.

SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS

Sec. 256. Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.

Sec. 257. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.
“Subchapter III—Training with Foreign Forces

263. Participation of developing countries in combined exercises: payment of incremental expenses.

“Subchapter IV—Support for Operations and Capacity Building

271. Allied forces participating in combined operations: authority to provide logistic support, supplies, and services.
272. Authority to build the capacity of foreign security forces.
273. Friendly foreign countries; international and regional organizations: defense institution capacity building.

“Subchapter V—Educational and Training Activities

281. Regional Centers for Security Studies.
282. Western Hemisphere Institute for Security Cooperation.
283. Participation in multinational military centers of excellence.
284. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.
285. Aviation Leadership Program.
286. Inter-American Air Forces Academy.
287. Inter-European Air Forces Academy.

“Subchapter VI—Limitations on Use of Department of Defense Funds

293. Prohibition on providing financial assistance to terrorist countries.
294. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

“Subchapter I—General Matters

“Sec. 251. Definitions.

In this chapter:

(1) The terms ‘appropriate congressional committees’ and ‘appropriate committees of Congress’ mean the following:

(A) The congressional defense committees.

(B) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.
“(2) The term ‘small-scale construction’ means, with respect to a project, construction at a total cost not to exceed $750,000 for the project.

“Subchapter II—Military-to-Military
Engagements

“Subchapter III—Training With Foreign
Forces

“Subchapter IV—Support for Operations and
Capacity Building

“Subchapter V—Educational and Training
Activities

“Subchapter VI—Limitations on Use of
Department of Defense Funds”.

(b) CODIFICATION OF SECTION 1207 OF FY 2010 NDAA.—

(1) CODIFICATION.—Chapter 11 of title 10, United States Code, as amended by subsection (a), is further amended by inserting after the heading of subchapter II a new section 256 consisting of—

(A) a heading as follows:

§ 256. Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries”; and

(B) a text consisting of the text of section 1207 of the National Defense Authorization Act
for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 168 note).

(2) Repeal of reporting requirement.—Section 256 of title 10, United States Code, as added by paragraph (1), is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(3) Conforming repeal.—Section 1207 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 168 note) is repealed.

(e) Transfer of section 1051b.—Section 1051b of title 10, United States Code, is transferred to chapter 11 of such title, as amended by subsection (a), inserted after section 256, as inserted by subsection (b), and redesignated as section 257.

d) Transfer of section 2010.—Section 2010 of title 10, United States Code, is transferred to chapter 11 of such title, as amended by subsection (a), inserted after the heading of subchapter III, and redesignated as section 263.

e) Transfer of section 127d.—Section 127d of title 10, United States Code, is transferred to chapter 11 of such title, as amended by subsection (a), inserted after
the heading of subchapter IV, and redesignated as section 271.

(f) Transfer of Section 2282.—Section 2282 of title 10, United States Code, is transferred to chapter 11 of such title, as amended by subsection (a), inserted after section 271, as transferred and redesignated by subsection (e), and redesignated as section 272.

(g) Codification of Section 1081 of FY 2012 NDAA.—

(1) Codification.—Chapter 11 of title 10, United States Code, as amended by subsection (a), is amended by inserting after section 272, as transferred and redesignated by subsection (f), a new section 273 consisting of—

(A) a heading as follows:

§273. Friendly foreign countries; international and regional organizations: defense institution capacity building”; and

(B) a text consisting of the text of subsections (a) through (d) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 168 note).

(2) Extension of Authority.—Subsection (e)(1) of section 273 of title 10, United States Code,
as added by paragraph (1), is amended by striking
“at the close of December 31, 2017” and inserting
“on December 31, 2019”.

(3) CONFORMING REPEAL.—Section 1081 of
the National Defense Authorization Act for Fiscal
Year 2012 (Public Law 112–81; 10 U.S.C. 168
note) is repealed.

(h) TRANSFER OF SECTION 184 AND CODIFICATION
OF RELATED PROVISIONS.—

(1) TRANSFER.—Section 184 of title 10, United
States Code, is transferred to chapter 11 of title 10,
United States Code, as amended by subsection (a),
inserted after the heading of subchapter V, and re-
designated as section 281.

(2) CODIFICATION OF REIMBURSEMENT-RE-
LATED PROVISIONS.—Subsection (f)(3) of section
281 of title 10, United States Code, as transferred
and redesignated by paragraph (1), is amended—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following new
subparagraph:

“(B)(i) In fiscal years 2017 through 2019, the Sec-
retary of Defense may, with the concurrence of the Sec-
retary of State, waive reimbursement otherwise required
under this subsection of the costs of activities of Regional
Centers under this section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

“(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed $1,000,000.”.

(3) CODIFICATION OF PROVISIONS RELATING TO SPECIFIC CENTERS.—Section 281 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended by adding at the end the following new subsections:

“(h) AUTHORITIES SPECIFIC TO MARSHALL CENTER.—(1) The Secretary of Defense may authorize participation by a European or Eurasian country in programs of the George C. Marshall European Center for Security Studies (in this subsection referred to as the ‘Marshall Center’) if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.
“(2)(A) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

“(B) A member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

“(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.

“(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Marshall Center for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

“(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be paid from appropriations available for the Center.
“(i) Authorities Specific to Inouye Center.—

(1) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Daniel K. Inouye Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign countries if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States.

“(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.”.

(4) Conforming Repeals.—The following provisions of law are repealed:


(i) TRANSFER OF SECTION 2166.—

(1) TRANSFER.—Section 2166 of title 10, United States Code, is transferred to chapter 11 of such title, as amended by subsection (a), inserted after section 281, as transferred, redesignated, and amended by subsection (h), and redesignated as section 282.

(2) STYLISTIC AMENDMENTS.—Section 282 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended by striking “nations” each place it appears in subsections (b) and (c) and inserting “countries”.

(3) CROSS-REFERENCE.—Section 2612(a) of title 10, United States Code, is amended by striking “section 2166(f)(4)” and inserting “section 282(f)(4)”.

(j) TRANSFER OF SECTION 2350M.—Section 2350m of title 10, United States Code, is transferred to chapter 11 of such title, as amended by subsection (a), inserted after section 282, as transferred and redesignated by subsection (i), and redesignated as section 283.

(k) TRANSFER OF SECTION 2249D.—
(1) Transfer.—Section 2249d of title 10, United States Code, is transferred to chapter 11 of such title, as amended by subsection (a), inserted after section 283, as transferred and redesignated by subsection (j), and redesignated as section 284.

(2) Stylistic Amendments.—Section 284 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended—

(A) by striking “nations” in subsections (a) and (d) and inserting “countries”; and

(B) by striking subsection (g).

(l) Consolidation of Chapter 905 and Sections 9381, 9382, and 9383.—

(1) Consolidation.—Chapter 11 of title 10, United States Code, as amended by subsection (a), is further amended by inserting after section 284, as transferred and redesignated by subsection (k), the following new section:

“§ 285. Aviation leadership program

“(a) Establishment of Program.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may establish and maintain an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, developing foreign countries. Training
under this section shall include language training and pro-
grams to promote better awareness and understanding of
the democratic institutions and social framework of the
United States.

“(b) Supplies and Clothing.—(1) The Secretary
of the Air Force may, under such conditions as the Sec-
etary may prescribe, provide to a person receiving train-
ing under this section—

“(A) transportation incident to the training;

“(B) supplies and equipment to be used during
the training;

“(C) flight clothing and other special clothing
required for the training; and

“(D) billeting, food, and health services.

“(2) The Secretary of the Air Force may authorize
such expenditures from the appropriations of the Air
Force as the Secretary considers necessary for the effi-
cient and effective maintenance of the Program in accord-
ance with this section.

“(c) Allowances.—The Secretary of the Air Force
may pay to a person receiving training under this section
a living allowance at a rate to be prescribed by the Sec-
retary, taking into account the amount of living allowances
authorized for a member of the armed forces under similar
circumstances.”.
(2) CONFORMING REPEAL.—Chapter 905 of title 10, United States Code, is repealed.

(m) TRANSFER OF SECTION 9415.—Section 9415 of title 10, United States Code, is transferred to chapter 11 of such title, as amended by subsection (a), inserted after section 285, as added by subsection (l), and redesignated as section 286.

(n) CODIFICATION OF SECTION 1268 OF FY 2015 NDAA.—

(1) CODIFICATION.—Chapter 11 of title 10, United States Code, as amended by subsection (a), is further amended by inserting after section 286, as transferred and redesignated by subsection (m), a new section 287 consisting of—

(A) a heading as follows:

§ 287. Inter-European Air Forces Academy”; and


(2) REPEAL OF REPORTING REQUIREMENT.—Section 287 of title 10, United States Code, as added by paragraph (1), is amended—

(A) by striking subsection (g); and
(B) by redesignating subsection (h) as subsection (g).


(o) TRANSFER OF SECTIONS 2249A AND 2249E.—

(1) TRANSFER.—Sections 2249a and 2249e of title 10, United States Code, are transferred to chapter 11 of such title, as amended by subsection (a), inserted after the heading of subchapter VI, and redesignated as sections 293 and 294, respectively.

(2) CONFORMING AMENDMENT.—Section 294 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended by striking subsection (f).


(A) in paragraph (1)—

(i) in subparagraph (A), by striking “section 2249e of title 10, United States
Code (as added by subsection (a))” and insert “section 294 of title 10, United States Code”; and
ii) in subparagraphs (D) and (E), by striking “section 2249e of title 10, United States Code (as so added)” and inserting “section 294 of such title”; and

(B) in paragraph (3), by striking “subsection (f) of section 2249e of title 10, United States Code (as so added)” and inserting “section 251(1) of such title”.

(p) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended by striking the item relating to chapter 11 and inserting the following new item:

“11. Security cooperation ........................................................................ 251”.

(2) The table of sections at the beginning of chapter 3 is amended by striking the item relating to section 127d.

(3) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 184.
(4) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051b.

(5) The table of sections at the beginning of chapter 101 is amended by striking the item relating to section 2010.

(6) The table of sections at the beginning of chapter 108 is amended by striking the item relating to section 2166.

(7) The table of sections at the beginning of subchapter I of chapter 134 is amended by striking the items relating to sections 2249a, 2249d, and 2249e.

(8) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.

(9) The table of sections at the beginning of subchapter II of chapter 138 is amended by striking the item relating to section 2350m.

(10) The tables of chapters at the beginning of subtitle D, and at the beginning of part III of subtitle D, are amended by striking the item relating to chapter 905.
(11) The table of sections at the beginning of chapter 907 is amended by striking the item relating to section 9415.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) Fiscal Year 2017 Cooperative Threat Reduction Funds Defined.—In this title, the term “fiscal year 2017 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2017, 2018, and 2019.

SEC. 1302. FUNDING ALLOCATIONS.

(a) In General.—Of the $325,604,000 authorized to be appropriated to the Department of Defense for fiscal
year 2017 in section 301 and made available by the fund-
ing table in division D for the Department of Defense Co-
operative Threat Reduction Program established under
section 1321 of the Department of Defense Cooperative
Threat Reduction Act (50 U.S.C. 3711), the following
amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination,
$11,791,000.

(2) For chemical weapons destruction,
$2,942,000.

(3) For global nuclear security, $16,899,000.

(4) For cooperative biological engagement,
$213,984,000.

(5) For proliferation prevention, $50,709,000,
of which—

(A) $4,000,000 may be obligated for pur-
poses relating to nuclear nonproliferation as-
isted or caused by additive manufacture tech-
nology (commonly referred to as “3D print-
ing”);

(B) $4,000,000 may be obligated for moni-
toring the “proliferation pathways” under the
Joint Comprehensive Plan of Action;
(C) $4,000,000 may be obligated for enhancing law enforcement cooperation and intelligence sharing; and

(D) $4,000,000 may be obligated for the Proliferation Security Initiative under subtitle B of title XVIII of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 2911 et seq.).

(6) For threat reduction engagement, $2,000,000.

(7) For activities designated as Other Assessments/Administrative Costs, $27,279,000.

(b) MODIFICATIONS TO CERTAIN REQUIREMENTS.—The Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.) is amended as follows:

(1) Section 1321(g)(1) (50 U.S.C. 3711(g)(1)) is amended by striking “15 days” and inserting “45 days”.

(2) Section 1322(b) (50 U.S.C. 3712(b)) is amended—

(A) by striking “At the time at which” and inserting “Not later than 15 days before the date on which”;

(B) in paragraph (1), by striking “; and” and inserting a semicolon;
(C) in paragraph (2), by striking the pe-
period and inserting “; and”; and

(D) by adding at the end the following new
paragraph:

“(3) a discussion of—

“(A) whether authorities other than the
authority under this section are available to the
Secretaries to perform such project or activity
to meet the threats or goals identified under
subsection (a)(1); and

“(B) if such other authorities exist, why
the Secretaries were not able to use such au-
thorities for such project or activity.”.

(3) Section 1323(b)(3) (50 U.S.C. 3713(b)(3))
is amended by striking “at the time at which” and
inserting “not later than seven days before the date
on which”.

(4) Section 1324 (50 U.S.C. 3714) is amend-
ed—

(A) in subsection (a)(1)(C), by striking
“15 days” and inserting “45 days”; and

(B) in subsection (b)(3), by striking “15
days” and inserting “45 days”.

(c) JOINT COMPREHENSIVE PLAN OF ACTION DE-
FINED.—In this section, the term “Joint Comprehensive
Plan of Action” means the Joint Comprehensive Plan of Action, signed at Vienna July 14, 2015, by Iran and by the People’s Republic of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy, and all implementing materials and agreements related to the Joint Comprehensive Plan of Action, and transmitted by the President to Congress on July 19, 2015, pursuant to section 135(a) of the Atomic Energy Act of 1954, as amended by the Iran Nuclear Agreement Review Act of 2015 (Public Law 114–17; 129 Stat. 201).

SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION IN PEOPLE’S REPUBLIC OF CHINA.

The Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3701 et seq.) is amended by inserting after section 1334 the following new section:

“SEC. 1335. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES IN PEOPLE’S REPUBLIC OF CHINA.

“(a) QUARTERLY INSTALLMENTS.—In carrying out activities under the Program in the People’s Republic of China, the Secretary of Defense shall ensure that Cooper-
Cooperative Threat Reduction funds for such activities are obligated or expended in quarterly installments.

“(b) QUARTERLY CERTIFICATIONS.—

“(1) LIMITATION.—The Secretary of Defense may not obligate or expend any Cooperative Threat Reduction funds for activities in the People’s Republic of China during a quarter unless the Secretary submits to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the certification under paragraph (2) with respect to such quarter.

“(2) SUBMISSION.—On a quarterly basis, the Secretary shall submit to the committees specified in paragraph (1) a certification, made in concurrence with the Secretary of State, of the following:

“(A) China has taken material steps to—

“(i) disrupt the proliferation activities of Li Fangwei (also known as Karl Lee, or any other alias known by the United States); and

“(ii) arrest Li Fangwei pursuant the indictment charged in the United States District Court for the Southern District of New York on April 29, 2014.
“(B) China has not proliferated to any non-nuclear weapons state, or any nuclear weapons state in violation of the Treaty on the Non-Proliferation of Nuclear Weapons, any item that contributes to a ballistic missile or nuclear weapons delivery system.

“(3) COVERAGE.—The first notification made under paragraph (2) shall cover the preceding 12-month period before the date of such notification. Each subsequent notification shall cover the quarter preceding the date of such notification.”.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the National Defense Sealift Fund, as specified in the funding table in section 4501.
SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) Use.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.
SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

SEC. 1407. NATIONAL SEA-BASED DETERRENCE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the National Sea-Based Deterrence Fund as specified in the funding table in section 4501.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORITY.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Man-
ager may dispose of the following materials contained in the National Defense Stockpile in the following quantities:

(1) 27 short tons of beryllium.
(2) 111,149 short tons of chromium, ferroalloy.
(3) 2,973 short tons of chromium metal.
(4) 8,380 troy ounces of platinum.
(5) 275,741 pounds of contained tungsten metal powder.
(6) 12,433,796 pounds of contained tungsten ores and concentrates.

(b) ACQUISITION AUTHORITY.—

(1) AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(A) High modulus and high strength carbon fibers.
(B) Tantalum.
(C) Germanium.
(D) Tungsten rhenium metal.
(E) Boron carbide powder.
(F) Europium.
(G) Silicon carbide fiber.

(2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $55,000,000 in the National Defense Stockpile Transaction Fund for acquisition of the materials specified paragraph (1).

(3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for purchases during fiscal year 2017 through fiscal year 2021.

SEC. 1412. REVISIONS TO THE STRATEGIC AND CRITICAL MATERIALS STOCK PILING ACT.

(a) MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended—

(1) in subsection (b), by striking “required for” and inserting “suitable for transfer to or disposal through”; and

(2) in subsection (c)—

(A) by striking “(1)” and all that follows through “(2)”; and

(B) by striking “this subsection” and inserting “subsection (b)”.

(b) QUALIFICATION OF DOMESTIC SOURCES.—Section 15(a) of such Act (50 U.S.C. 98h-6(a)) is amended—
(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(3) by qualifying existing domestic facilities and domestically produced strategic and critical materials to meet the requirements of defense and essential civilian industries in times of national emergencies when existing domestic sources of supply are either insufficient or vulnerable to single points of failure; and

“(4) by contracting with domestic facilities to recycle strategic and critical materials, thereby increasing domestic supplies when those materials would otherwise be insufficient to support defense and essential civilian industries in times of national emergencies.”.
Subtitle C—Other Matters

SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) Authority for Transfer of Funds.—Of the funds authorized to be appropriated for section 506 and available for the Defense Health Program for operation and maintenance, $122,375,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) Use of Transferred Funds.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy

SEC. 1422. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces Retirement Home Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE AND TREATMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) PURPOSE.—The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2017 to provide additional funds—

(1) for overseas contingency operations being carried out by the Armed Forces; and
(2) pursuant to sections 1502, 1503, 1504, 1505, and 1507 for expenses, not otherwise provided for, for procurement, research, development, test, and evaluation, operation and maintenance, military personnel, and defense-wide drug interdiction and counter-drug activities, as specified in the funding tables in sections 4103, 4203, 4303, 4403, and 4503.

(b) SUPPORT OF BASE BUDGET REQUIREMENTS; TREATMENT.—Funds identified in subsection (a)(2) are being authorized to be appropriated in support of base budget requirements as requested by the President for fiscal year 2017 pursuant to section 1105(a) of title 31, United States Code. The Director of the Office of Management and Budget shall apportion the funds identified in such subsection to the Department of Defense without restriction, limitation, or constraint on the execution of such funds in support of base requirements, including any restriction, limitation, or constraint imposed by, or described in, the document entitled “Criteria for War/Overseas Contingency Operations Funding Requests” transmitted by the Director to the Department of Defense on September 9, 2010, or any successor or related guidance.
SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in—

(1) the funding table in section 4102; or

(2) the funding table in section 4103.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in—

(1) the funding table in section 4202; or

(2) the funding table in section 4203.

SEC. 1504. OPERATION AND MAINTENANCE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in—

(1) the funding table in section 4302, or

(2) the funding table in section 4303.

(b) Period of Availability.—Amounts specified in the funding table in section 4302 shall remain available
for obligation only until April 30, 2017, at a rate for operations as provided in the Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113).

SEC. 1505. MILITARY PERSONNEL.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in—

(1) the funding table in section 4402; or

(2) the funding table in section 4403.

(b) Period of Availability.—Amounts specified in the funding table in section 4402 shall remain available for obligation only until April 30, 2017, at a rate for operations as provided in the Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113).

SEC. 1506. WORKING CAPITAL FUNDS.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.
(b) Period of Availability.—Amounts specified in the funding table in section 4502 for providing capital for working capital and revolving funds shall remain available for obligation only until April 30, 2017, at a rate for operations as provided in the Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113).

SEC. 1507. DRUG INTERDICATION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in—

(1) the funding table in section 4502; or

(2) the funding table in section 4503.

SEC. 1508. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE HEALTH PROGRAM.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not oth-
otherwise provided for, for the Defense Health Program, as
specified in the funding table in section 4502.

(b) Period of Availability.—Amounts specified in
the funding table in section 4502 for the Defense Health
Program shall remain available for obligation only until
April 30, 2017, at a rate for operations as provided in
the Department of Defense Appropriations Act, 2016 (di-
vision C of Public Law 114–113).

SEC. 1510. COUNTERTERRORISM PARTNERSHIPS FUND.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated for the Depart-
ment of Defense for fiscal year 2017 for expenses, not oth-
erwise provided for, for the Counterterrorism Partnerships
Fund, as specified in the funding table in section 4502.

(b) Duration of Availability.—Amounts appro-
priated pursuant to the authorization of appropriations in
subsection (a) shall remain available for obligation
through September 30, 2018.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this
title are in addition to amounts otherwise authorized to
be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) Authority to Transfer Authorizations.—
(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof).

(2) **EFFECT OF TRANSFER.**—Amounts of authorizations transferred under this subsection shall be merged with and be available for the same purposes as the authorization to which transferred.

(3) **LIMITATIONS.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,500,000,000.

(4) **EXCEPTION.**—In the case of the authorizations of appropriations contained in sections 1502, 1503, 1504, 1505, and 1507 that are provided for the purpose specified in section 1501(a)(2), the transfer authority provided under section 1001, rather than the transfer authority provided by this subsection, shall apply to any transfer of amounts of such authorizations.
(b) Terms and Conditions.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) Additional Authority.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

Sec. 1531. Afghanistan Security Forces Fund.

(a) In General.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, shall be subject to the conditions contained in subsections (b) through (f) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) Allocation of Funds.—

(1) In General.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2017, it is the goal that $25,000,000 shall be used for—
(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—

Such programs and activities may include—

(A) efforts to recruit women into the Afghan National Security Forces, including the special operations forces;

(B) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(D) efforts to address harassment and violence against women within the Afghan National Security Forces;
improvements to infrastructure that address the requirements of women serving in the Afghan National Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghanistan National Police Family Response Units; and

(G) security provisions for high-profile female police and army officers.

(c) REPORTING REQUIREMENT.—

(1) SEMI-ANNUAL REPORTS.—Not later than January 31 and July 31 of each year through January 31, 2021, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during the preceding six-calendar month period.


SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsection 1532(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091) is amended by striking “fiscal year 2016” and inserting “fiscal years 2016 and 2017”.

(b) EXTENSION OF INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.—Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057) is amended—

(1) in paragraph (1)—

(A) by striking “for fiscal year 2013 and for fiscal year 2016,” and inserting “for fiscal years 2013, 2016, and 2017”;

(B) by inserting “with the concurrence of the Secretary of State” after “may be available to the Secretary of Defense”;
(C) by striking “of the Government of Pakistan” and inserting “of foreign governments”; and

(D) by striking “from Pakistan to locations in Afghanistan”; 

(2) in paragraph (2), by striking “of the Government of Pakistan” and inserting “of foreign governments”; 

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “the congressional defense committees” and inserting “Congress”; and

(B) in subparagraph (B)—

(i) by striking “the Government of Pakistan” and inserting “foreign governments”; and

(ii) by striking “from Pakistan to locations in Afghanistan”; and


SEC. 1533. EXTENSION OF AUTHORITY TO USE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND FOR TRAINING OF FOREIGN SECURITY FORCES TO DEFEAT IMPROVISED EXPLOSIVE DEVICES.

Section 1533(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1093) is amended by striking “September 30, 2018” and inserting “September 30, 2020”.

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. ROCKET PROPULSION SYSTEM TO REPLACE RD–180.

(a) USE OF FUNDS.—Section 1604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3623; 10 U.S.C. 2273 note), as amended by section 1606 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1099), is further amended by striking subsection (d) and inserting the following new subsections:

“(d) USE OF FUNDS UNDER DEVELOPMENT PROGRAM.—

“...
“(1) Development of rocket propulsion system.—The funds described in paragraph (2)—

“(A) may be obligated or expended for—

“(i) the development of the rocket propulsion system to replace non-allied space launch engines pursuant to subsection (a); and

“(ii) the necessary interfaces to, or integration of, the rocket propulsion system with an existing or new launch vehicle; and

“(B) may not be obligated or expended to develop or procure a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.

“(2) Funds described.—The funds described in this paragraph are the following:

“(A) Funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 or any fiscal year thereafter for the Department of Defense for the development of the rocket propulsion system under subsection (a).

“(B) Funds authorized to be appropriated by this Act or the National Defense Authoriza-
tion Act for Fiscal Year 2016 or otherwise
made available for fiscal years 2015 or 2016 for
the Department of Defense for the development
of the rocket propulsion system under sub-
section (a) that are unobligated as of the date
of the enactment of the National Defense Au-
thorization Act for Fiscal Year 2017.

“(3) OTHER PURPOSES.—The Secretary may
obligate or expend not more than 25 percent of the
funds described in paragraph (2) in any fiscal year
for activities not authorized by paragraph (1)(A), in-
cluding for developing a launch vehicle, an upper
stage, a strap-on motor, or related infrastructure.
The Secretary may exceed such limit in a fiscal year
for such purposes if during such fiscal year—

“(A) the Secretary certifies to the appro-
priate congressional committees that, as of the
date of the certification—

“(i) the development of the rocket
propulsion system is being carried out pur-
suant to paragraph (1)(A) in a manner
that ensures that the rocket propulsion
system will meet each requirement under
subsection (a)(2); and
“(ii) such obligation or expenditure will not negatively affect the development of the rocket propulsion system, including with respect to meeting such requirements; and

“(B) the reprogramming or transfer is carried out in accordance with established procedures for reprogramming or transfers, including with respect to presenting a request for a reprogramming of funds.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘rocket propulsion system’ means, with respect to the development authorized by subsection (a), a main booster, first-stage rocket engine or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.”.
(b) RIGHTS TO INTELLECTUAL PROPERTY.—Section (a) of such section 1604 is amended by adding at the end the following new paragraph:

“(3) RIGHTS TO INTELLECTUAL PROPERTY.—In developing the system under paragraph (1), the Secretary shall acquire government purpose rights (or greater rights) in technical data, patents, and copyrights pertaining to such system. Such rights may be for the purpose of developing alternative sources of supply and manufacture in the event such alternative sources are necessary and in the best interest of the United States.”.

(e) LIMITATION.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Office of the Secretary of the Air Force, not more than 90 percent may be obligated or expended until the date on which the Secretary of the Air Force certifies to the congressional defense committees that the Secretary has carried out the rocket propulsion system program under section 1604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3623; 10 U.S.C. 2273 note) during fiscal years 2015 and 2016 as described in subsection (d)(1) of such section, as added by subsection (a).
SEC. 1602. EXCEPTION TO THE PROHIBITION ON CONTRACTING WITH RUSSIAN SUPPLIERS OF ROCKET ENGINES FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

Section 1608 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626; 10 U.S.C. 2271 note), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1100), is further amended by striking subsection (c) and inserting the following new subsection:

“(c) Exception.—The prohibition in subsection (a) shall not apply to any of the following:

“(1) The placement of orders or the exercise of options under the contract numbered FA8811–13–C–0003 and awarded on December 18, 2013.

“(2) Contracts that are awarded for the procurement of property or services for space launch activities that include the use of a total of eighteen rocket engines designed or manufactured in the Russian Federation, in addition to Russian-designed or -manufactured engines to which paragraph (1) applies.”.
SEC. 1603. ANALYSIS OF ALTERNATIVES FOR WIDE-BAND COMMUNICATIONS.

Section 1611 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1103) is amended by striking subsection (b) and inserting the following new subsections:

“(b) SCOPE.—

“(1) STUDY GUIDANCE.—In conducting the analysis of alternatives under subsection (a), the Secretary shall develop study guidance that requires such analysis to include the full range of military and commercial satellite communications capabilities, acquisition processes, and service delivery models.

“(2) OTHER CONSIDERATIONS.—The Secretary shall ensure that—

“(A) any cost assessments of military or commercial satellite communications systems included in the analysis of alternatives conducted under subsection (a) include detailed full life-cycle costs, as applicable, including with respect to—

“(i) military personnel, military construction, military infrastructure operation, maintenance costs, and ground and user terminal impacts; and
“(ii) any other costs regarding military or commercial satellite communications systems the Secretary determines appropriate; and

“(B) such analysis identifies any considerations relating to the use of military versus commercial systems.

“(c) COMPTROLLER GENERAL REVIEW.—

“(1) SUBMISSION.—Upon completion of the analysis of alternatives conducted under subsection (a), the Secretary shall submit such analysis to the Comptroller General of the United States.

“(2) REVIEW.—Not later than 120 days after the date on which the Comptroller General receives the analysis of alternatives under paragraph (1), the Comptroller General shall submit to the congressional defense committees a review of the analysis.

“(3) MATTERS INCLUDED.—The review under paragraph (2) of the analysis of alternatives conducted under subsection (a) shall include the following:

“(A) Whether, and to what extent, the Secretary—

“(i) conducted such analysis using best practices;
“(ii) fully addressed the concerns of
the acquisition, operational, and user com-

“(iii) complied with subsection (b).

“(B) A description of how the Secretary
identified the requirements and assessed and
addressed the cost, schedule, and risks posed
for each alternative included in such analysis.

“(d) BRIEFINGS.—Not later than 90 days after the
date of the enactment of the National Defense Authoriza-
tion Act for Fiscal Year 2017, and semiannually there-
after until the date on which the analysis of alternatives
conducted under subsection (a) is completed, the Secretary
shall provide the Committees on Armed Services of the
House of Representatives and the Senate (and any other
congressional defense committee upon request) a briefing
on such analysis.”.

SEC. 1604. MODIFICATION TO PILOT PROGRAM FOR ACQUI-

SITION OF COMMERCIAL SATELLITE COMMU-

NICATION SERVICES.

Section 1605 of the Carl Levin and Howard P.
Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208
note), as amended by section 1612 of the National De-

Fiscal Year 2016 (Public Law
617
1 114–92; 129 Stat. 1103), is further amended by adding
2 at the end the following new subsection:
3 “(e) Implementation of Goals.—In develop-
4 ing and carrying out the pilot program under sub-
5 section (a)(1), by not later than September 30,
6 2017, the Secretary shall take actions to begin the
7 implementation of each goal specified in subsection
8 (b).”.

9 SEC. 1605. SPACE-BASED ENVIRONMENTAL MONITORING.
10 (a) Roles of DOD and NOAA.—
11 (1) Mechanisms.—The Secretary of Defense
12 and the Director of the National Oceanic and At-
13 mospheric Administration shall jointly establish
14 mechanisms to collaborate and coordinate in defin-
15 ing the roles and responsibilities of the Department
16 of Defense and the National Oceanic and Atmos-
17 pheric Administration to—
18 (A) carry out space-based environmental
19 monitoring; and
20 (B) plan for future non-governmental
21 space-based environmental monitoring capabili-
22 ties.
23 (2) Rule of Construction.—Nothing in
24 paragraph (1) may be construed to authorize a joint
25 satellite program of the Department of Defense and
the National Oceanic and Atmospheric Administra-
(b) REPORT.—Not later than 120 days after the date
of the enactment of this Act, the Secretary and the Direc-
tor shall jointly submit to the appropriate congressional
committees a report on the mechanisms established under
subsection (a)(1).
(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congress-
sional committees” means—
(1) the congressional defense committees;
(2) the Committee on Science, Space, and
Technology of the House of Representatives; and
(3) the Committee on Commerce, Science, and
Transportation of the Senate.
SEC. 1606. PROHIBITION ON USE OF CERTAIN NON-ALLIED
POSITIONING, NAVIGATION, AND TIMING SYS-
TEMS.
(a) PROHIBITION.—During the period beginning not
later than 60 days after the date of the enactment of this
Act and ending on September 30, 2018, the Secretary of
Defense shall ensure that the Armed Forces and each ele-
ment of the Department of Defense do not use a non-allied
positioning, navigation, and timing system or service pro-
vided by such a system.
(b) WAIVER.—The Secretary may waive the prohibition in subsection (a) if—

(1) the Secretary determines that the waiver is—

(A) in the national security interest of the United States; and

(B) necessary to mitigate exigent operational concerns;

(2) the Secretary notifies, in writing, the appropriate congressional committees of such waiver; and

(3) a period of 30 days has elapsed following the date of such notification.

(c) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence shall jointly submit to the appropriate congressional committees an assessment of the risks to national security and to the operations and plans of the Department of Defense from using a non-allied positioning, navigation, and timing system or service provided by such a system. Such assessment shall—

(1) address risks regarding—

(A) espionage, counterintelligence, and targeting;
(B) the use of the Global Positioning System by allies and partners of the United States and others; and

(C) harmful interference to the Global Positioning System; and

(2) include any other matters the Secretary, the Chairman, and the Director determine appropriate.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “non-allied positioning, navigation, and timing system” means any of the following systems:

(A) The Beidou system.

(B) The Glonass global navigation satellite system.
SEC. 1607. LIMITATION OF AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for increment 3 of the Joint Space Operations Center Mission System, not more than 25 percent may be obligated or expended until the date on which the Secretary of the Air Force, in coordination with the Commander of the United States Strategic Command, submits to the congressional defense committees a report on such increment, including—

(1) an acquisition strategy for such increment;
(2) the requirements of such increment;
(3) the funding and schedule for such increment;
(4) the strategy for use of commercially available capabilities, as appropriate, relating to such increment to rapidly address warfighter requirements, including the market research and evaluation of such commercial capabilities; and
(5) the relationship of such increment with the other related activities and investments of the Department of Defense.
SEC. 1608. SPACE-BASED INFRARED SYSTEM AND ADVANCED EXTREMELY HIGH FREQUENCY PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The recently completed analysis of alternatives for the space-based infrared system program identified the cost and capability trades of various alternatives, however the criteria and assessment for resilience and mission assurance was undefined.

(2) The analysis of alternatives for the advanced extremely high frequency program is ongoing.

(b) LIMITATION ON DEVELOPMENT AND ACQUISITION OF ALTERNATIVES.—

(1) LIMITATION.—Except as provided by paragraph (4), the Secretary of Defense may not develop or acquire an alternative to the space-based infrared system program of record or develop or acquire an alternative to the advanced extremely high frequency program of record until the date on which the Commander of the United States Strategic Command and the Director of the Space Security and Defense Program, in consultation with the Defense Intelligence Officer for Science and Technology of the Defense Intelligence Agency, jointly submit to the appropriate congressional committees the assess-
ments described in paragraph (2) for the respective program.

(2) Assessment.—The assessments described in this paragraph are—

(A) an assessment of the resilience and mission assurance of each alternative to the space-based infrared system being considered by the Secretary of the Air Force; and

(B) an assessment of the resilience and mission assurance of each alternative to the advanced extremely high frequency program being considered by the Secretary of the Air Force.

(3) Elements.—An assessment described in paragraph (2) shall include, with respect to each alternative to the space-based infrared system program of record and each alternative to the advanced extremely high frequency program of record being considered by the Secretary of the Air Force, the following:

(A) The requirements for resilience and mission assurance.

(B) The criteria to measure such resilience and mission assurance.

(C) How the alternative affects—
(i) deterrence and full spectrum warfighting;

(ii) warfighter requirements and relative costs to include ground station and user terminals;

(iii) the potential order of battle of adversaries; and

(iv) the required capabilities of the broader space security and defense enterprise.

(4) EXCEPTION.—The limitation in paragraph (1) shall not apply to efforts to examine and develop technology insertion opportunities for the space-based infrared system program of record or the satellite communications programs of record.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) With respect to the submission of the assessment described in subparagraph (A) of subsection (b)(2), the—

(A) the congressional defense committees;

and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.
(2) With respect to the submission of the assessment described in subparagraph (B) of subsection (b)(2), the congressional defense committees.

SEC. 1609. PLANS ON TRANSFER OF ACQUISITION AND FUNDING AUTHORITY OF CERTAIN WEATHER MISSIONS TO NATIONAL RECONNAISSANCE OFFICE.

(a) LIMITATION.—

(1) IN GENERAL.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2017 for research, development, test, and evaluation, Air Force, for the weather satellite follow-on system, not more than 50 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the appropriate congressional committees the plan under paragraph (2).

(2) AIR FORCE PLAN.—The Secretary shall develop a plan for the Air Force to transfer, beginning with fiscal year 2018, the acquisition authority and the funding authority for covered space-based environmental monitoring missions from the Air Force to the National Reconnaissance Office, including a description of the amount of funds that would be necessary to be transferred from the Air Force to
the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

(b) NRO PLAN.—

(1) IN GENERAL.—The Director of the National Reconnaissance Office shall develop a plan for the National Reconnaissance Office to address how to carry out covered space-based environmental monitoring missions. Such plan shall include—

(A) a description of the related national security requirements for such missions;

(B) a description of the appropriate manner to meet such requirements; and

(C) the amount of funds that would be necessary to be transferred from the Air Force to the National Reconnaissance Office during fiscal years 2018 through 2022 to carry out such plan.

(2) ACTIVITIES.—In developing the plan under paragraph (1), the Director may conduct pre-acquisition activities, including with respect to requests for information, analyses of alternatives, study contracts, modeling and simulation, and other activities the Director determines necessary to develop such plan.
(3) Submission.—Not later than the date on which the President submits to Congress the budget for fiscal year 2018 under section 1105(a) of title 31, United States Code, the Director shall submit to the appropriate congressional committees the plan under paragraph (1).

(e) Independent Cost Estimate.—The Director of the Cost Assessment Improvement Group of the Office of the Director of National Intelligence, in coordination with the Director of Cost Assessment and Program Evaluation, shall certify to the appropriate congressional committees that the amounts of funds identified under subsections (a)(2) and (b)(1)(C) as being necessary to transfer are appropriate and include funding for positions and personnel to support program office costs.

(d) Definitions.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate.
(2) The term “covered space-based environmental monitoring missions” means the acquisition programs necessary to meet the national security requirements for cloud characterization and theater weather imagery.

SEC. 1610. PILOT PROGRAM ON COMMERCIAL WEATHER DATA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program to assess the viability of commercial satellite weather data to support requirements of the Department of Defense.

(b) COMMERCIAL WEATHER DATA.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Secretary of Defense to carry out the pilot program under subsection (a), not more than $3,000,000 may be obligated or expended to carry out such pilot program by purchasing and evaluating commercial weather data that meets the standards and specifications set by the Department of Defense.

(c) DURATION.—The Secretary may carry out the pilot program under subsection (a) for a period not exceeding one year.

(d) BRIEFINGS.—
(1) **INTERIM BRIEFING.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) demonstrating how the Secretary plans to implement the pilot program under subsection (a).

(2) **FINAL BRIEFING.**—Not later than 90 days after the pilot program under subsection (a) is completed, the Secretary shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate (and to any other congressional defense committee upon request) on the utility, cost, and other considerations regarding the purchase of commercial satellite weather data to support the requirements of the Department of Defense.

**SEC. 1611. ORGANIZATION AND MANAGEMENT OF NATIONAL SECURITY SPACE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) National security space capabilities are a vital element of the national defense of the United States.
(2) The advantages of the United States in national security space are now threatened to an unprecedented degree by growing and seriouscounterspace capabilities of potential foreign adversaries, and the space advantages of the United States must be protected.

(3) The Department of Defense has recognized the threat and has taken initial steps necessary to defend space, however the organization and management may not be strategically postured to fully address this changed domain of operations over the long term.

(4) The defense of space is currently a priority for the leaders of the Department, however the space mission is managed within competing priorities of each of the Armed Forces.

(5) Space elements provide critical capabilities to all of the Armed Forces in the joint fight, however the disparate activities throughout the Department have no single leader that is empowered to make decisions affecting the space forces of the Department.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to modernize and fully address the growing threat to the national security space advantage of the
United States, the Secretary of Defense must evaluate the range of options and take further action to strengthen the leadership, management, and organization of the national security space activities of the Department of Defense, including with respect to—

(1) unifying, integrating, and de-conflicting activities to provide for stronger prioritization, accountability, coherency, focus, strategy, and integration of the joint space program of the Department;

(2) streamlining decision-making, limiting unnecessary bureaucracy, and empowering the appropriate level of authority, while enabling effective oversight;

(3) maintaining the involvement of each of the Armed Forces and adapting the culture and improving the capabilities of the workforce to ensure the workforce has the appropriate training, experience, and tools to accomplish the mission; and

(4) reviewing authorities and preparing for a conflict that could extend to space.

(c) **Recommendations.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Management and Budget shall each separately submit to the appropriate congressional committees recommendations, in ac-

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cordance with subsection (b), to strengthen the leadership, management, and organization of the Department of Defense with respect to the national security space activities of the Department.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1612. REVIEW OF CHARTER OF OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.

(a) REVIEW.—The Secretary of Defense shall conduct a review of charter of the Operationally Responsive Space Program Office established by section 2273a of title 10, United States Code (in this section referred to as the “Office”).

(b) ELEMENTS.—The review under subsection (a) shall include the following:

(1) A review of the key operationally responsive space needs with respect to the warfighter and with respect to national security.
(2) How the Office could fit into the broader resilience and space security strategy of the Department of Defense.

(3) An assessment of the potential of the Office to focus on the reconstitution capabilities with small satellites using low-cost launch vehicles and existing infrastructure.

(4) An assessment of the potential of the Office to leverage existing or planned commercial capabilities.

(5) A review of the necessary workforce specialties and acquisition authorities of the Office.

(6) A review of the funding profile of the Office.

(7) A review of the organizational placement and reporting structure of the Office.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the review under subsection (a), including any recommendations for legislative actions based on such review.

SEC. 1613. BACKUP AND COMPLEMENTARY POSITIONING, NAVIGATION, AND TIMING CAPABILITIES OF GLOBAL POSITIONING SYSTEM.

(a) STUDY.—
(1) IN GENERAL.—The covered Secretaries shall jointly conduct a study to assess and identify the technology-neutral requirements to backup and complement the positioning, navigation, and timing capabilities of the Global Positioning System for national security and critical infrastructure.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the covered Secretaries shall submit to the appropriate congressional committees a report on the study under paragraph (1). Such report shall include—

   (A) with respect to the Department of each covered Secretary, the identification of the respective requirements to backup and complement the positioning, navigation, and timing capabilities of the Global Positioning System for national security and critical infrastructure;

   (B) an analysis of alternatives to meet such requirements, including, at a minimum—

      (i) an analysis of the viability of a public-private partnership to establish a complementary positioning, navigation, and timing system; and

      (ii) an analysis of the viability of service level agreements to operate a com-
lementary positioning, navigation, and
timing system; and
(C) a plan and estimated costs, schedule,
and system level technical considerations, in-
cluding end user equipment and integration
considerations, to meet such requirements.
(b) SINGLE DESIGNATED OFFICIAL.—Each covered
Secretary shall designate a single senior official of the De-
partment of the Secretary to act as the primary represent-
ative of such Department for purposes of conducting the
study under subsection (a)(1).
(c) DEFINITIONS.—In this section:
(1) The term “appropriate congressional com-
mittees” means—
(A) the congressional defense committees;
(B) the Committee on Science, Space, and
Technology, the Committee on Transportation
and Infrastructure, and the Committee on
Homeland Security of the House of Representa-
tives; and
(C) the Committee on Commerce, Science,
and Transportation and the Committee on
Homeland Security and Governmental Affairs
of the Senate.
(2) The term “covered Secretaries” means the Secretary of Defense, the Secretary of Transportation, and the Secretary of Homeland Security.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE MANAGEMENT.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Defense-wide, for intelligence management, not more than 95 percent may be obligated or expended until the date on which the Under Secretary of Defense for Intelligence submits to the appropriate congressional committees the reports on counterintelligence activities described in any classified annex accompanying this Act.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.
SEC. 1622. LIMITATIONS ON AVAILABILITY OF FUNDS FOR UNITED STATES CENTRAL COMMAND INTELLIGENCE FUSION CENTER.

(a) LIMITATIONS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Intelligence Fusion Center of the United States Central Command—

(1) 25 percent may not be obligated or expended until—

(A) the Commander of the United States Central Command submits to the appropriate congressional committees the report under subsection (b); and

(B) a period of 15 days has elapsed following the date of such submission; and

(2) 25 percent may not be obligated or expended until—

(A) the Commander submits to such committees the report under subsection (c); and

(B) a period of 15 days has elapsed following the date of such submission.

(b) REPORT ON PROCEDURES.—The Commander shall submit to the appropriate congressional committees a report on the steps taken by the Commander to formalize and disseminate procedures for establishing, staff-
ing, and operating the Intelligence Fusion Center of the
United States Central Command.

(c) REPORT ON IG FINDINGS.—The Commander
shall submit to the appropriate congressional committees
a report on the steps taken by the Commander to address
the findings of the final report of the Inspector General
of the Department of Defense regarding the processing of
intelligence information by the Intelligence Directorate of
the United States Central Command.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES
DEFINED.—In this section, the term “appropriate con-
gressional committees” means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intel-
ligence of the House of Representatives.

SEC. 1623. LIMITATION ON AVAILABILITY OF FUNDS FOR
JOINT INTELLIGENCE ANALYSIS COMPLEX.

(a) LIMITATION.—Of the funds authorized to be ap-
propriated by this Act or otherwise made available for fis-
cal year 2017 for increased intelligence manpower posi-
tions for operation of the Joint Intelligence Analysis Com-
plex at Royal Air Force Molesworth, United Kingdom, not
more than 85 percent may be obligated or expended dur-
ing fiscal year 2017 until the date on which the Secretary
of Defense submits to the appropriate congressional com-
mittees the analysis under subsection (b)(1).

(b) ANALYSIS.—

(1) IN GENERAL.—Not later than 120 days
after the date of the enactment of this Act, the Sec-
retary of Defense, in coordination with the Director
of National Intelligence, shall submit to the appro-
priate congressional committees a revised analysis of
alternatives for the basing of a new Joint Intel-
ligence Analysis Complex that is—

(A) based on the analysis of the oper-
ational requirements and costs of the United
States; and

(B) informed by the findings of the report
of the Comptroller General of the United States
on the cost estimating and basing decision proc-
ess of the Joint Intelligence Analysis Complex.

(2) REQUIREMENTS.—The analysis under para-
graph (1) shall, at a minimum—

(A) be conducted in a manner that—

(i) uses best practices;

(ii) appropriately accounts for non-re-
curring and life cycle costs, including with
respect to cost of living and projected
growth in cost of living;
(iii) uses objective and measurable criteria for evaluating alternative locations against mission requirements; and

(iv) uses reasonable and verifiable assumptions;

(B) include the identification and assessments of—

(i) possible alternative locations for the Joint Intelligence Analysis Complex at existing military installations used by the United States; and

(ii) other possible cost-saving alternatives;

(C) evaluate alternative practices to minimize the number of support personnel required;

(D) evaluate alternatives to building a new facility, including modifying existing facilities and using prefabricated facilities; and

(E) evaluate the possibility of separating the European Command Intelligence Analytic Center, the Africa Command Intelligence Analytic Center, or the NATO Intelligence Fusion Center from the rest of the Joint Intelligence Analysis Complex at other viable locations.
(c) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle C—Cyberspace-Related Matters

SEC. 1631. SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE THE DEFENSE AGAINST OR RECOVERY FROM A CYBER ATTACK.

Section 1903(a)(2) of title 41, United States Code, is amended by inserting “cyber,” before “nuclear,”.

SEC. 1632. CHANGE IN NAME OF NATIONAL DEFENSE UNIVERSITY’S INFORMATION RESOURCES MANAGEMENT COLLEGE TO COLLEGE OF INFORMATION AND CYBERSPACE.

Section 2165(b)(5) of title 10, United States Code, is amended by striking “Information Resources Management College” and inserting “College of Information and Cyberspace”.
SEC. 1633. REQUIREMENT TO ENTER INTO AGREEMENTS RELATING TO USE OF CYBER OPPOSITION FORCES.

(a) REQUIREMENT FOR AGREEMENTS.—Not later than September 30, 2017, the Secretary of Defense shall enter into an agreement with each combatant command relating to the use of cyber opposition forces. Each agreement shall require the command—

(1) to support a high state of mission readiness in the command through the use of one or more cyber opposition forces in continuous exercises and other training activities as considered appropriate by the commander of the command; and

(2) in conducting such exercises and training activities, meet the standard required under subsection (b).

(b) JOINT STANDARD FOR CYBER OPPOSITION FORCES.—Not later than March 31, 2017, the Secretary of Defense shall issue a joint training and certification standard for use by all cyber opposition forces within the Department of Defense.

(c) BRIEFING REQUIRED.—Not later than September 30, 2017, the Secretary of Defense shall provide to the congressional defense committees a briefing on—
(1) a list of each combatant command that has entered into an agreement required by subsection (a);

(2) with respect to each such agreement—

(A) special conditions in the agreement placed on any cyber opposition force used by the command;

(B) the process for making decisions about deconfliction and risk mitigation of cyber opposition force activities in continuous exercises and training;

(C) identification of cyber opposition forces trained and certified to operate at the joint standard, as issued under subsection (b);

(D) identification of the annual exercises that will include participation of the cyber opposition forces;

(E) identification of any shortfalls in resources that may prevent annual exercises using cyber opposition forces; and

(3) any other matters the Secretary of Defense considers appropriate.
SEC. 1634. LIMITATION ON AVAILABILITY OF FUNDS FOR CRYPTOGRAPHIC SYSTEMS AND KEY MANAGEMENT INFRASTRUCTURE.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for cryptographic systems and key management infrastructure, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense, in consultation with the Director of the National Security Agency, submits to the appropriate congressional committees a report on the integration of the cryptographic modernization and key management infrastructure programs of the military departments, including a description of how the military departments have implemented stronger leadership, increased integration, and reduced redundancy with respect to such modernization and programs.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.
Subtitle D—Nuclear Forces

SEC. 1641. IMPROVEMENTS TO COUNCIL ON OVERSIGHT OF NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

(a) Responsibilities.—Subsection (d) of section 171a of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting before the period the following: “, and including with respect to the integrated tactical warning and attack assessment systems, processes, and enablers, and continuity of the governmental functions of the Department of Defense”; and

(2) in paragraph (2)(C), by inserting before the period the following: “(including space system architectures and associated user terminals and ground segments)”.

(b) Ensuring Capabilities.—Such section is further amended—

(1) by redesignating subsection (i) as subsection (k); and

(2) by inserting after subsection (h) the following new subsections:

“(i) REPORTS ON SPACE ARCHITECTURE DEVELOPMENT.—(1) Not less than 90 days before each of the dates on which a system described in paragraph (2) achieves
Milestone A or Milestone B approval, the Under Secretary of Defense for Acquisitions, Technology, and Logistics shall submit to the congressional defense committees a report prepared by the Council detailing the implications of any changes to the architecture of such a system with respect to the systems, capabilities, and programs covered under subsection (d).

“(2) A system described in this paragraph is any of the following:

“(A) Advanced extremely high frequency satellites.

“(B) The space-based infrared system.

“(C) The integrated tactical warning and attack assessment system and its command and control system.

“(D) The enhanced polar system.

“(3) In this subsection, the terms ‘Milestone A approval’ and ‘Milestone B approval’ have the meanings given such terms in section 2366(e) of this title.

“(j) Notification of Reduction of Certain Warning Time.—(1) None of the funds authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year may be used to change any command, control, and communications system described in subsection (d)(1) in a manner that reduces the
warning time provided to the national leadership of the
United States with respect to a warning of a strategic mis-

“(A) the Secretary of Defense notifies the con-
gressional defense committees of such proposed
change and reduction; and

“(B) a period of one year elapses following the
date of such notification.

“(2) Not later than March 1, 2017, and each year
thereafter, the Council shall determine whether the inte-
grated tactical warning and attack assessment system and
its command and control system have met all warfighter
requirements for operational availability, survivability, and
endurability. If the Council determines that such systems
have not met such requirements, the Secretary of Defense
and the Chairman shall jointly submit to the congressional
defense committees—

“(A) an explanation for such negative deter-
mination;

“(B) a description of the mitigations that are in
place or being put in place as a result of such nega-
tive determination; and

“(C) the plan of the Secretary and the Chair-
man to ensure that the Council is able to make a
positive determination in the following year.”.
(d) **REPORTING REQUIREMENTS.**—Subsection (e) of such section is amended by striking “At the same time” and all that follows through “title 31,” and inserting the following: “During the period preceding January 31, 2021, at the same time each year that the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31, and from time to time after such period at the discretion of the Council,”.

**SEC. 1642. TREATMENT OF CERTAIN SENSITIVE INFORMATION BY STATE AND LOCAL GOVERNMENTS.**

(a) **SPECIAL NUCLEAR MATERIAL.**—Section 128 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) Information that the Secretary prohibits to be disseminated pursuant to subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense, and a State or local law authorizing or requiring a State or local government to disclose such information shall not apply to such information.”.

(b) **CRITICAL INFRASTRUCTURE SECURITY INFORMATION.**—Section 130e of such title is amended—

(1) by redesignating subsection (e) as subsection (f) and moving such subsection, as so redesignated, to appear after subsection (e); and
(2) by striking subsection (b) and inserting the following new subsections:

“(b) **DESIGNATION OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.**—

In addition to any other authority or requirement regarding protection from dissemination of information, the Secretary may designate information as being Department of Defense critical infrastructure security information, including during the course of creating such information, to ensure that such information is not disseminated without authorization. Information so designated is subject to the determination process under subsection (a) to determine whether to exempt such information from disclosure described in such subsection.

“(c) **INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.**—(1) Department of Defense critical infrastructure security information covered by a written determination under subsection (a) or designated under subsection (b) that is provided to a State or local government shall remain under the control of the Department of Defense.

“(2)(A) A State or local law authorizing or requiring a State or local government to disclose Department of Defense critical infrastructure security information that is
covered by a written determination under subsection (a) shall not apply to such information.

“(B) If a person requests pursuant to a State or local law that a State or local government disclose information that is designated as Department of Defense critical infrastructure security information under subsection (b), the State or local government shall provide the Secretary an opportunity to carry out the determination process under subsection (a) to determine whether to exempt such information from disclosure pursuant to subparagraph (A).”.

(c) CONFORMING AMENDMENTS.—

(1) SECTION 128.—Section 128 of such title is further amended in the section heading by striking “Physical” and inserting “Control and physical”.

(2) SECTION 130E.—Section 130e of such title is further amended—

(A) by striking the section heading and inserting the following new section heading: “Control and protection of critical infrastructure security information”;

(B) in subsection (a), by striking the subsection heading and inserting the following new subsection heading: “Exemption From Freedom of Information Act.—”;

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(C) in subsection (d), by striking the subsection heading and inserting the following new subsection heading: “DELEGATION OF DETERMINATION AUTHORITY.—”; and

(D) in subsection (e), by striking the subsection heading and inserting the following new subsection heading: “TRANSPARENCY OF DETERMINATIONS.—”.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 3 of such title is amended—

(1) by striking the item relating to section 128 and inserting the following new item:

“128. Control and physical protection of special nuclear material; limitation on dissemination of unclassified information.”; and

(2) by striking the item relating to section 130e and inserting the following new item:

“130e. Control and protection of critical infrastructure security information.”.

SEC. 1643. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2017 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, $17,095,000 shall be available for the procurement of cov-
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covered parts pursuant to contracts entered into under sec-

tion 1645(a) of the Carl Levin and Howard P. “Buck”


(b) COVERED PARTS DEFINED.—In this section, the

term “covered parts” means commercially available off-

the-shelf items as defined in section 104 of title 41, United

States Code.

SEC. 1644. PROHIBITION ON AVAILABILITY OF FUNDS FOR

MOBILE VARIANT OF GROUND-BASED STRA-

TEGIC DETERRENT MISSILE.

None of the funds authorized to be appropriated by

this Act or otherwise made available for any of fiscal years

2017 or 2018 may be obligated or expended to retain the

option for, or develop, a mobile variant of the ground-

based strategic deterrent missile.

SEC. 1645. LIMITATION ON AVAILABILITY OF FUNDS FOR

EXTENSION OF NEW START TREATY.

(a) LIMITATION.—None of the funds authorized to

be appropriated by this Act or otherwise made available

for fiscal year 2017 or any other fiscal year for the De-

partment of Defense may be obligated or expended to ex-

tend the New START Treaty unless—

(1) the Chairman of the Joint Chiefs of Staff

submits the report under subsection (b);
(2) the Director of National Intelligence submits the National Intelligence Estimate under subsection (c)(2); and

(3) a period of 180 days elapses following the submission of both the report and the National Intelligence Estimate.

(b) REPORT.—The Chairman of the Joint Chiefs of Staff shall submit to the appropriate congressional committees a report detailing the following:

(1) The impacts on the nuclear forces and force planning of the United States with respect to a State Party to the New START Treaty developing a capability to conduct a rapid reload of its ballistic missiles.

(2) Whether any State Party to the New START Treaty has significantly increased its upload capability with non-deployed nuclear warheads and the degree to which such developments impact crisis stability and the nuclear forces, force planning, use concepts, and deterrent strategy of the United States.

(3) The extent to which non-treaty-limited nuclear or strategic conventional systems pose a threat to the United States or the allies of the United States.
(4) The extent to which violations of arms control treaty and agreement obligations pose a risk to the national security of the United States and the allies of the United States, including the perpetuation of violations ongoing as of the date of the enactment of this Act, as well as potential further violations.

(5) The extent to which—

(A) the “escalate-to-deescalate” nuclear use doctrine of the Russian Federation is deterred under the current nuclear force structure, weapons capabilities, and declaratory policy of the United States; and

(B) deterring the implementation of such a doctrine has been integrated into the warplans of the United States.

(6) The status of the nuclear weapons, nuclear weapons infrastructure, and nuclear command and control modernization activities of the United States, and the impact such status has on plans to—

(A) implement the reduction of the nuclear weapons of the United States; or

(B) further reduce the numbers and types of such weapons.
(7) Whether, and if so, the reasons that, the New START Treaty, and the extension of the treaty as of the date of the report, is in the national security interests of the United States.

(c) NATIONAL INTELLIGENCE ESTIMATE.—

(1) PRODUCTION.—The Director of National Intelligence shall produce a National Intelligence Estimate on the following:

(A) The nuclear forces and doctrine of the Russian Federation.

(B) The nuclear weapons research and production capability of Russia.

(C) The compliance of Russia with respect to arms control obligations (including treaties, agreements, and other obligations).

(D) The doctrine of Russia with respect to targeting adversary critical infrastructure and the relationship between such doctrine and other Russian war planning, including, at a minimum, “escalate-to-deescalate” concepts.

(2) SUBMISSION.—The Director of National Intelligence shall submit, consistent with the protection of sources and methods, to the appropriate congressional committees the National Intelligence Estimate produced under paragraph (1).
(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committees on Armed Services of the House of Representatives and the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(C) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.


SEC. 1646. CONSOLIDATION OF NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS FUNCTIONS OF THE AIR FORCE.

(a) ROLE OF MAJOR COMMAND.—

(1) CONSOLIDATION.—Not later than March 31, 2017, the Secretary of the Air Force shall consolidate under a major command commanded by a
single general officer the responsibility, authority, accountability, and resources for carrying out the nuclear command, control, and communications functions of the Air Force, including, at a minimum, with respect to the following:

(A) All terrestrial and aerial components of the nuclear command and control system that are survivable and endurable.

(B) All terrestrial and aerial components of the integrated tactical warning and attack assessment system that are survivable and endurable.

(2) OVERSIGHT AND BUDGET APPROVAL.—Not later than March 31, 2017, in addition to the responsibility, authority, accountability, and resources for carrying out the nuclear command, control, and communications functions of the Air Force provided to a commander of a major command under paragraph (1), the Secretary shall provide to the commander the responsibility, authority, accountability, and resources to—

(A) conduct oversight over all components of the nuclear command and control system and the integrated tactical warning and attack as-
essment system, regardless of the location or
the endurability of such components; and

(B) approve or disapprove of any budg-
etary actions related to all components of the
nuclear command and control system and the
integrated tactical warning and attack assess-
ment system, regardless of the location or the
endurability of such components.

(b) REPORT.—Not later than January 15, 2017, the
Secretary shall submit to the congressional defense com-
mittees a report on the plans and actions taken by the
Secretary to carry out subsection (a), including any guid-
ance, directives, and orders that have been or will be
issued by the Secretary, the Chief of Staff of the Air
Force, or other elements of the Air Force to carry out
subsection (a).

SEC. 1647. REPORT ON RUSSIAN AND CHINESE POLITICAL
AND MILITARY LEADERSHIP SURVIVABILITY,
COMMAND AND CONTROL, AND CONTINUITY
OF GOVERNMENT PROGRAMS AND ACTIVI-
TIES.

(a) REPORT.—Not later than January 15, 2017, the
Director of National Intelligence shall submit to the ap-
propriate congressional committees, consistent with the
protection of sources and methods, a report on the leader-
ship survivability, command and control, and continuity of government programs and activities with respect to the People’s Republic of China and the Russian Federation, respectively. The report shall include the following:

(1) The goals and objectives of such programs and activities of each respective country.

(2) An assessment of how such programs and activities fit into the political and military doctrine and strategy of each respective country.

(3) An assessment of the size and scope of such activities, including the location and description of above-ground and underground facilities important to the political and military leadership survivability, command and control, and continuity of government programs and activities of each respective country.

(4) An identification of which facilities various senior political and military leaders of each respective country are expected to operate out of during crisis and wartime.

(5) A technical assessment of the political and military means and methods for command and control in wartime of each respective country.

(6) An identification of key officials and organizations of each respective country involved in managing and operating such facilities, programs and
activities, including the command structure for each
organization involved in such programs and activi-
ties.

(7) An assessment of how senior leaders of each
respective country measure the effectiveness of such
programs and activities.

(8) An estimate of the annual cost of such pro-
grams and activities.

(9) An assessment of the degree of enhanced
survivability such programs and activities can be ex-
pected to provide in various military scenarios rang-
ing from limited conventional conflict to strategic
nuclear employment.

(10) An assessment of the type and extent of
foreign assistance, if any, in such programs and ac-
tivities.

(11) An assessment of the status and the effec-
tiveness of the intelligence collection of the United
States on such programs and capabilities, and any
gaps in such collection.

(12) Any other matters the Director determines
appropriate.

(b) COUNCIL ASSESSMENT.—Not later than 90 days
after the date on which the Director submits the report
under subsection (a), the Council on Oversight of the Na-
tional Leadership Command, Control, and Communications System established by section 171a of title 10, United States Code, shall submit to the appropriate congressional committees an assessment of how the command, control, and communications systems for the national leadership of the People’s Republic of China and the Russian Federation, respectively, compare to such system of the United States.

(e) STRATCOM.—Together with the assessment submitted under subsection (b), the Commander of the United States Strategic Command shall submit to the appropriate congressional committees the views of the Commander on the report under subsection (a), including a detailed description for how the leadership survivability, command and control, and continuity of government programs and activities of the People’s Republic of China and the Russian Federation, respectively, are considered in the plans and options under the responsibility of the Commander under the unified command plan.

(d) FORMS.—Each report or assessment submitted under this section may be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—
(1) the congressional defense committees; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 1648. SENSE OF CONGRESS ON IMPORTANCE OF INDEPENDENT NUCLEAR DETERRENT OF UNITED KINGDOM.

It is the sense of Congress that—

(1) the United States believes that the independent nuclear deterrent and decision-making of the United Kingdom provides a crucial contribution to international stability, the North Atlantic Treaty Organization alliance, and the national security of the United States;

(2) nuclear deterrence is and will continue to be the highest priority mission of the Department of Defense and the United States benefits when the closest ally of the United States clearly and unequivocally sets similar priorities;

(3) the United States sees the nuclear deterrent of the United Kingdom as central to trans-Atlantic security and to the commitment of the United Kingdom to NATO to spend two percent of gross domestic product on defense;
(4) the commitment of the United Kingdom to maintain a continuous at-sea deterrence posture today and in the future complements the deterrent capabilities of the United States and provides a credible “second center of decision making” which ensures potential attackers cannot discount the solidarity of the mutual relationship of the United States and the United Kingdom;

(5) the United States Navy must execute the Ohio-class replacement submarine program on time and within budget, seeking efficiencies and cost savings wherever possible, to ensure that the program delivers a Common Missile Compartment, the Trident II (D5) Strategic Weapon System, and associated equipment and production capabilities, that support the successful development and deployment of the Vanguard-successor submarines of the United Kingdom; and

(6) the close technical collaboration, especially expert mutual scientific peer review, provides valuable resilience and cost effectiveness to the respective deterrence programs of the United States and the United Kingdom.
Subtitle E—Missile Defense Programs

SEC. 1651. EXTENSIONS OF PROHIBITIONS RELATING TO MISSILE DEFENSE INFORMATION AND SYSTEMS.

(a) Prohibition on Integration of Certain Missile Defense Systems.—

(1) In general.—Section 130h of title 10, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e);

(B) by inserting after subsection (e) the following new subsection (d):

““(d) Integration.—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be obligated or expended to integrate a missile defense system of the Russian Federation or a missile defense system of the People’s Republic of China into any missile defense system of the United States.”; and

(C) by striking the section heading and inserting the following: “Prohibitions relating to missile defense information and systems”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of title 10, United States Code, is amended by striking the item relating to section 130h and inserting the following new item:

“130h. Prohibitions relating to missile defense information and systems.”.

(3) CONFORMING REPEALS.—Sections 1672 and 1673 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1130) are repealed.

(b) EXTENSION OF SUNSET.—Section 130h(e) of title 10, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

“(e) SUNSET.—The prohibitions in subsections (a), (b), and (d) shall expire on January 1, 2027.”.

SEC. 1652. REVIEW OF THE MISSILE DEFEAT POLICY AND STRATEGY OF THE UNITED STATES.

(a) NEW REVIEW.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly conduct a new review of the missile defeat capability, policy, and strategy of the United States, with respect to—

(1) left- and right-of-launch ballistic missile defense for—

(A) both regional and homeland purposes;

and
(B) the full range of active, passive, kinetic, and nonkinetic defense measures across the full spectrum of land-, air-, sea-, and space-based platforms;

(2) the integration of offensive and defensive forces for the defeat of ballistic missiles, including against weapons initially deployed on ballistic missiles, such as hypersonic glide vehicles; and

(3) cruise missile defense of the homeland.

(b) ELEMENTS.—The review under subsection (a) shall address the following:

(1) The missile defeat policy, strategy, and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(2) The role of deterrence in the missile defeat policy and strategy of the United States.

(3) The missile defeat posture, capability, and force structure of the United States.

(4) With respect to both the five- and ten-year periods beginning on the date of the review, the planned and desired end-state of the missile defeat programs of the United States, including regarding the integration and interoperability of such programs with the joint forces and the integration and
interoperability of such programs with allies, and
specific benchmarks, milestones, and key steps re-
quired to reach such end-states.

(5) The organization, discharge, and oversight
of acquisition for the missile defeat programs of the
United States.

(6) The roles and responsibilities of the Office
of the Secretary of Defense, Defense Agencies, com-
batant commands, the Joint Chiefs of Staff, and the
military departments in such programs and the
process for ensuring accountability of each stake-
holder.

(7) The process for determining requirements
for missile defeat capabilities under such programs,
including input from the joint military requirements
process.

(8) The process for determining the force struc-
ture and inventory objectives for such programs.

(9) Standards for the military utility, oper-
ational effectiveness, suitability, and survivability of
the missile defeat systems of the United States.

(10) The method in which resources for the
missile defeat mission are planned, programmed,
and budgeted within the Department of Defense.
(11) The near-term and long-term costs and cost effectiveness of such programs.

(12) The options for affecting the offense-defense cost curve.

(13) Accountability, transparency, and oversight with respect to such programs.

(14) The role of international cooperation on missile defeat in the missile defeat policy and strategy of the United States and the plans, policies, and requirements for integration and interoperability of missile defeat capability with allies.

(15) Options for enhancing and making routine the codevelopment of missile defeat capabilities with allies of the United States in the near-term and far-term.

(16) Declaratory policy governing the employment of missile defeat capabilities and the military options and plans and employment options of such capabilities.

(17) The role of multi-mission defense and other assets of the United States, including space and terrestrial sensors and plans to achieve multi-mission capability in current, planned, and other future assets and acquisition programs.
(18) The indications and warning required to meet the missile defeat strategy and objectives of the United States described in paragraph (1) and the key enablers and programs to achieve such indications and warning.

(19) The impact of the mobility, countermeasures, and denial and deception capabilities of adversaries on the indications and warning described in paragraph (16) and the consequences of such impact for the missile defeat capability, objectives, and military options of the United States and the plans of the combatant commanders.

(20) Any other matters the Secretary determines relevant.

(c) REPORTS.—

(1) RESULTS.—Not later than January 31, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review under subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) ANNUAL IMPLEMENTATION UPDATES.—During the five-year period beginning on the date of the submission of the report under paragraph (1),
the Director of Cost Assessment and Program Evaluation shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees annual status updates detailing the progress of the Secretary in implementing the missile defeat strategy of the United States.

(4) Threat report.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing an unclassified summary, consistent with the protection of intelligence sources and methods, of—

(A) as of the date of the report, the ballistic and cruise missile threat to the United States, deployed forces of the United States, and friends and allies of the United States from short-, medium-, intermediate-, and long-range nuclear and non-nuclear ballistic and cruise missile threats; and

(B) an assessment of such threat in 2026.

(d) Notification.—
(1) **In General.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any fiscal year thereafter for the Secretary of Defense may be obligated or expended to change the non-standard acquisition processes and responsibilities described in paragraph (2) until—

(A) the Secretary notifies the congressional defense committees of such proposed change; and

(B) a period of 180 days has elapsed following the date of such notification.

(2) **Non-Standard Acquisition Processes and Responsibilities Described.**—The non-standard acquisition processes and responsibilities described in this paragraph are such processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled “Missile Defense Program Direction” signed on January 2, 2002; and

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act.

(c) **Designation Required.**—
(1) **AUTHORITY.**—Not later than March 31, 2018, the Secretary of Defense shall designate a military department or Defense Agency with acquisition authority with respect to—

(A) the capability to defend the homeland from cruise missiles; and

(B) left-of-launch ballistic missile defeat capability.

(2) **VALIDATION.**—In making such designation under paragraph (1), the Secretary shall include a description of the manner in which the military requirements for such capabilities will be validated.

**SEC. 1653. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CODEVELOPMENT AND COPRODUCTION.**

(a) **IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.**—

(1) **AVAILABILITY OF FUNDS.**—Of the funds authorized to be appropriated by section 101 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than $62,000,000 may be provided to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system, as specified in the
funding table in division D, through coproduction of such interceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, subject to an amended bilateral international agreement for coproduction for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for coproduction of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the
Missile Defense Agency and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the appropriate congressional committees—

(i) a certification that the bilateral international agreement specified in sub-paragraph (A) is being implemented as provided in such bilateral international agreement; and

(ii) an assessment detailing any risks relating to the implementation of such bilateral international agreement.

(b) **Cooperative Missile Defense Program Co-development and Coproduction.**—

(1) In general.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2017 for procurement, Defense-wide, and available for the Missile Defense Agency—

(A) not more than $150,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System, including for coproduction of parts and components in the United States by United States industry; and

(B) not more than $120,000,000 may be provided to the Government of Israel for the
Arrow 3 Upper Tier Interceptor Program, including for coproduction of parts and components in the United States by United States industry.

(2) Certification.—

(A) Criteria.—Except as provided by paragraph (3), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the appropriate congressional committees a certification that—

(i) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreements for the David’s Sling Weapon System and the Arrow 3 Upper Tier Development Program, respectively;

(ii) funds specified in subparagraphs (A) and (B) of paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel for such respective systems or in another matching amount that otherwise meets best efforts (as mutu-
ally agreed to by the United States and Israel);

(iii) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(I) in accordance with clause (iv), the terms of coproduction of parts and components of such respective systems on the basis of the greatest practicable coproduction of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for coproduction;

(II) complete transparency on the requirement of Israel for the number of interceptors and batteries of such respective systems that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(III) technical milestones for coproduction of parts and components
and procurement of such respective systems; and

(IV) joint approval processes for third-party sales of such respective systems and the components of such respective systems;

(iv) the level of coproduction described in clause (iii)(I) for the Arrow 3 and David’s Sling Weapon System is not less than 50 percent; and

(v) such funds may not be obligated or expended to cover costs related to any delays, including delays with respect to exchanging technical data or specifications.

(B) NUMBER.—In carrying out subparagraph (A), the Under Secretary may submit—

(i) one certification covering both the David’s Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program;

or

(ii) separate certifications for each such respective system.

(C) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification under subparagraph (A) by not
later than 60 days before the funds specified in paragraph (1) for the respective system covered by the certification are provided to the Government of Israel.

(3) WAIVER.—The Under Secretary may waive the certification required by paragraph (2) if the Under Secretary certifies to the appropriate congressional committees that the Under Secretary has received sufficient data from the Government of Israel to demonstrate—

(A) the funds specified in subparagraphs (A) and (B) of paragraph (1) are provided to Israel solely for funding the procurement of long-lead components in accordance with a production plan, including a funding profile detailing Israeli contributions for production, including long-lead production, of either David’s Sling Weapon System or the Arrow 3 Upper Tier Interceptor Program;

(B) such long-lead components have successfully completed knowledge points, technical milestones, and production readiness reviews; and

(C) the long-lead procurement will be conducted in a manner that maximizes coproduc-
tion in the United States without incurring ad-
ditional nonrecurring engineering activity or
cost.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congres-
sional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the
House of Representatives and the Committee on
Foreign Relations of the Senate.

SEC. 1654. MAXIMIZING AEGIS ASHORE CAPABILITY.

(a) ANTI-AIR WARFARE CAPABILITY OF AEGIS
ASHORE SITES.—

(1) EVALUATION.—The Secretary of Defense
shall conduct a complete evaluation of the optimal
anti-air warfare capability—

(A) for each current Aegis Ashore site by
not later than 180 days after the date of the
enactment of this Act; and

(B) as part of any future deployment by
the United States of an Aegis Ashore site after
the date of such enactment.

(2) ASSESSMENTS INCLUDED.—Each evaluation
under paragraph (1) shall include an assessment of
the potential deployment of enhanced sea sparrow
missiles, standard missile block 2 missiles, standard
missile block 6 missiles, or the SeaRAM missile sys-
tem.

(3) CONSISTENCY WITH ANNEX.—The Sec-
retary shall carry out this subsection consistent with
any classified annex accompanying this Act.

(b) AEGIS ASHORE CAPABILITY EVALUATION.—Not
later than 120 days after the date of the enactment of
this Act, the Secretary of Defense and the Chairman of
the Joint Chiefs of Staff shall jointly submit to the con-
gressional defense committees an evaluation of each of the
following:

(1) The ballistic missile and air threat against
the continental United States and the efficacy (in-
cluding with respect to cost, ideal and optimal de-
ployment locations, and potential deployment sched-
ule) of deploying one or more Aegis Ashore sites and
Aegis Ashore components for the ballistic and cruise
missile defense of the continental United States.

(2) The ballistic missile and air threat against
the Armed Forces on Guam and the efficacy (includ-
ing with respect to cost and schedule) of deploying
an Aegis Ashore site on Guam.

(c) AEGIS ASHORE SITE ON THE PACIFIC MISSILE
RANGE FACILITY.—
(1) LIMITATION.—The Secretary of Defense may not reduce the manning levels or test capability, as such levels and capability existed on January 1, 2015, of the Aegis Ashore site at the Pacific Missile Range Facility in Hawaii, including by putting such site into a “cold” or “stand by” status.

(2) ENVIRONMENTAL IMPACT STATEMENT.—

(A) Not later than 60 days after the date on which the Director of the Missile Defense Agency submits to the congressional defense committees the report under section 1689(b)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1144), the Director shall notify such committees on whether the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii identified by such report would require an update to the environmental impact statement required for constructing the Aegis Ashore site at the Pacific Missile Range Facility.

(B) If the Director determines that an updated environmental impact statement, a new environmental impact statement, or another action is required or recommended pursuant to
the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), the Director shall commence such action by not later than 60 days after the date on which the Director makes the notification under subparagraph (A).

(3) EVALUATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees an evaluation of the ballistic missile and air threat against Hawaii (including with respect to threats to the Armed Forces and installations located in Hawaii) and the efficacy (including with respect to cost and potential alternatives) of—

(A) making the Aegis Ashore site at the Pacific Missile Range Facility operational;

(B) deploying the preferred alternative for fielding a medium range ballistic missile defense sensor for the defense of Hawaii described in paragraph (2)(A); and

(C) any other alternative the Secretary and the Chairman determine appropriate.

(d) FORMS.—The evaluations submitted under subsections (b) and (c)(3) shall each be submitted in unclassified form, but may each include a classified annex.
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SEC. 1655. TECHNICAL AUTHORITY FOR INTEGRATED AIR 
AND MISSILE DEFENSE ACTIVITIES AND PRO-
GRAMS.

(a) Authority.—

(1) In general.—The Director of the Missile 
Defense Agency is the technical authority of the De-
partment of Defense for integrated air and missile 
defense activities and programs, including joint engi-
neering and integration efforts for such activities 
and programs, including with respect to defining and 
controlling the interfaces of such activities and pro-
grams and the allocation of technical requirements 
for such activities and programs.

(2) Detachments.—

(A) In carrying out the technical authority 
under paragraph (1), the Director may seek to 
have staff detailed to the Missile Defense Agen-
cy from the Joint Functional Component Com-
mand for Integrated Missile Defense and the 
Joint Integrated Air and Missile Defense Orga-
nization in a number the Director determines 
necessary in accordance with subparagraph (B).

(B) In detailing staff under subparagraph 
(A) to carry out the technical authority under 
paragraph (1), the total number of staff, in-
cluding detachments, of the Missile Defense Agency
who carry out such authority may not exceed
the number that is twice the number of such
staff carrying out such authority as of January
1, 2016.

(b) ASSESSMENTS AND PLANS.—

(1) BIENNIAL SUBMISSION.—Not later than
January 31, 2017, and biennially thereafter through
2021, the Director shall submit to the congressional
defense committees an assessment of the state of in-
tegration and interoperability of the integrated air
and missile defense capabilities of the Department of
Defense.

(2) ELEMENTS.—Each assessment under para-
graph (1) shall include the following:

(A) Identification of any gaps in the inte-
gration and interoperability of the integrated
air and missile defense capabilities of the De-
partment.

(B) A description of the options to improve
such capabilities and remediate such gaps.

(C) A plan to carry out such improvements
and remediations, including milestones and
costs for such plan.

(3) FORM.—Each assessment under paragraph
(1) shall be submitted in classified form unless the
Director determines that submitting such assessment in unclassified form is useful and expedient.

SEC. 1656. DEVELOPMENT AND RESEARCH OF NON-TERRESTRIAL MISSILE DEFENSE LAYER.

(a) Development.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Director of the Missile Defense Agency, with the support of federally funded research and development centers with subject matter expertise, shall commence the planning for concept definition, design, research, development, engineering evaluation, and test of a space-based ballistic missile intercept and defeat layer to the ballistic missile defense system that—

(A) shall provide defense options to ballistic missiles and re-entry vehicles, independent of adversary country size and threat trajectory; and

(B) may provide a boost-phase missile defense capability, as well as additional defensive options against direct ascent anti-satellite weapons, hypersonic boost glide vehicles, and maneuvering re-entry vehicles.
(2) ACTIVITIES.—The planning activities authorized under paragraph (1) shall include, at a minimum, the following:

(A) The initiation of formal steps for potential integration into the ballistic missile defense system architecture.

(B) Mature planning for early proof of concept component demonstrations.

(C) Draft operation concepts in the context of a multi-layer architecture.

(D) Identification of proof of concept vendor sources for demo components and sub-assemblies.

(E) The development of multi-year technology and risk reduction investment plan.

(F) The commencement of the development of a proof of concept master program phasing schedule.

(G) Identification of proof of concept long lead items.

(H) Initiation of requests for proposals from industry with significant commercial, civil, and national security space experience, including for space launch services.
(I) Mature options for an aggressive but
low-risk acquisition strategy.

(b) **SPACE TEST BED.**—Not later than 60 days after
the date of the enactment of this Act, the Director shall
commence planning for research, development, test, and
evaluation activities with respect to a space test bed for
a missile interceptor capability.

(c) **BUDGET SUBMISSIONS.**—The Director shall sub-
mit with the budget of the President submitted to Con-
gress under section 1105(a) of title 31, United States
Code, for fiscal year 2018 a detailed budget and develop-
ment plan, irrespective of planned budgetary total obliga-
tion authority, for the activities described in subsections
(a) and (b), assuming initial demonstration, on-orbit, of
such the capabilities described in such subsections by
2025.

**SEC. 1657. HYPERSONIC BOOST GLIDE VEHICLE DEFENSE.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 180 days
after the date of the enactment of this Act, the Di-
rector of the Missile Defense Agency shall establish
a program of record in the ballistic missile defense
system to develop and field a defensive system to de-
feat hypersonic boost-glide and maneuvering ballistic
missiles. Such defense system may be a new system,
a modification of an existing system, or developed by integrating existing systems.

(2) CODEVELOPMENT.—In developing the program of record for the defensive system under paragraph (1), the Director shall consider opportunities for codevelopment, including through financial support, with allies and partners of the United States.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the headquarters operations of the Under Secretary of Defense for Policy and the headquarters operations of the Under Secretary of Defense for Acquisition, Technology, and Logistics, $25,000,000 may not be obligated or expended for each such headquarters operations until—

(1) the Director certifies to the congressional defense committees that the Director has established the program of record under paragraph (1) of subsection (a), including a discussion of—

(A) the options for codevelopment considered by the Director under paragraph (2) of such subsection;

(B) such options the Director has assessed; and
(C) such options the Director recommends be pursued in the program of record; and

(2) the Chairman of the Joint Chiefs of Staff submits to the congressional defense committees a report on the military capability or capabilities and capability gaps relating to the threat posed by hypersonic boost-glide and maneuvering ballistic missiles to the United States, the forces of the United States, and the allies of the United States; and

(3) a period of 30 days has elapsed following the date on which the congressional defense committees has received both the certification and the report.

(c) REPORT ON MTCR.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implications for the Missile Technology Control Regime regarding the development of a defensive system, including with respect to partnering with allies and partners of the United States, to counter hypersonic boost-glide and maneuvering ballistic missiles.
(d) **Plan.**—Not later than 30 days after the date on which the budget of the President for fiscal year 2018 is submitted to Congress under section 1105 of title 31, United States Code, the Director shall submit to the congressional defense committees a plan to field the defensive system under paragraph (1) of subsection (a) by 2021, including—

1. a schedule of required ground, flight, and intercept tests; and
2. the estimated budget for such plan, including a budget with codevelopment described in paragraph (2) of such subsection and a budget without such codevelopment, required for each year beginning with fiscal year 2018.

**SEC. 1658. LIMITATION ON AVAILABILITY OF FUNDS FOR PATRIOT LOWER TIER AIR AND MISSILE DEFENSE CAPABILITY OF THE ARMY.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Patriot lower tier air and missile defense capability of the Army, not more than 50 percent may be obligated or expended until each of the following occurs:

1. The Director of the Missile Defense Agency certifies to the congressional defense committees that such capability, upon the completion of the
modernization process addressed by the analysis of alternatives regarding such capability, will be fully interoperable with the ballistic missile defense system and other air and missile defense capabilities deployed and planned to be deployed by the United States.

(2) The Chairman of the Joint Chiefs of Staff certifies to the congressional defense committees that such capability, upon the completion of the modernization process addressed by the analysis of alternatives regarding such capability, will meet—

(A) the desired attributes for modularity sought by the geographic combatant commands;

and

(B) the validated and objective warfighter requirements for air and missile defense capability.

(3) The Chief of Staff of the Army, in coordination with the Secretary of the Army, submits to the congressional defense committees—

(A) a determination as to whether the requirements of the lower tier air and missile defense program are appropriate for acquisition through the Army Rapid Capabilities Office, and if the determination is that such require-
ments are not so appropriate, an evaluation of why;

(B) the terms of the competition planned for the lower tier air and missile defense program to ensure fair competition for all competitors; and

(C) either—

(i) certification that—

(I) the requirements of the lower tier air and missile defense program can only be met through a multi-year development and acquisition program, rather than through more expedient modification of existing or demonstrated capabilities of the Department of Defense; and

(II) the lower tier air and missile defense acquisition program as designed as of the date of the certification will provide the most rapid deployment of a modernized capability to the warfighter at reasonable risk levels (as compared to systems with similar amounts of complexity and technological readiness); or
(ii) a revised acquisition strategy for
the lower tier air and missile defense ac-
quision program, including a schedule to
carry out such strategy.

(4) If the Chief of Staff of the Army submits
the revised acquisition strategy under paragraph
(3)(C)(ii), a period of 30 days has elapsed following
the date of such submission.

SEC. 1659. LIMITATION ON AVAILABILITY OF FUNDS FOR
CONVENTIONAL PROMPT GLOBAL STRIKE
WEAPONS SYSTEM.

Of the funds authorized to be appropriated by this
Act or otherwise made available for fiscal year 2017 for
research, development, test, and evaluation, Defense-wide,
for the conventional prompt global strike weapons system,
not more than 75 percent may be obligated or expended
until the date on which the Chairman of the Joint Chiefs
of Staff, in consultation with the Commander of the
United States European Command, the Commander of the
United States Pacific Command, and the Commander of
the United States Strategic Command, submits to the con-
gressional defense committees a report on—

(1) whether there are warfighter requirements
or integrated priorities list submitted needs for a
limited operational conventional prompt strike capability; and

(2) whether the program plan and schedule proposed by the program office in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics supports such requirements and integrated priorities lists submissions.

SEC. 1660. PILOT PROGRAM ON LOSS OF UNCLASSIFIED, CONTROLLED TECHNICAL INFORMATION.

(a) Pilot Program.—Beginning not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall carry out a pilot program to implement improvements to the data protection options in the programs of the Missile Defense Agency (including the contractors of the Agency), particularly with respect to unclassified, controlled technical information and controlled unclassified information.

(b) Priority.—In carrying out the pilot program under subsection (a), the Director shall give priority to implementing data protection options that are used by the private sector and have been proven successful.

(c) Duration.—The Director shall carry out the pilot program under subsection (a) for not more than a 5-year period.
(d) Notification.—Not later than 30 days before the date on which the Director commences the pilot program under subsection (a), the Director shall notify the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate of—

(1) the data protection options that the Director is considering to implement under the pilot program and the potential costs of such options; and

(2) such option that is the preferred option of the Director.

(e) Data Protection Options.—In this section, the term “data protection options” means actions to improve processes, practices, and systems that relate to the safeguarding, hygiene, and data protection of information.

SEC. 1661. REVIEW OF MISSILE DEFENSE AGENCY BUDGET SUBMISSIONS FOR GROUND-BASED MID-COURSE DEFENSE AND EVALUATION OF ALTERNATIVE GROUND-BASED INTERCEPTOR DEPLOYMENTS.

(a) Budget Sufficiency.—

(1) Report.—Not later than 180 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation shall
submit to the congressional defense committees a report on the ground-based midcourse defense system.

(2) ELEMENTS.—The report under paragraph (1) shall include an evaluation of each of the following:

(A) The modernization requirements for the ground-based midcourse system, including all command and control, ground systems, sensors and sensor interfaces, boosters and kill vehicles, and integration of known future systems and components.

(B) The obsolescence of such systems and components.

(C) The industrial base requirements relating to the ground-based midcourse system.

(D) The extent to which the estimated levels of annual funding included in the most recent budget and the future-years defense program submitted under section 221 of this title fully fund the requirements under clause (i).

(3) UPDATES.—Not later than 30 days after the date on which each budget is submitted through January 31, 2021, the Director shall submit to the congressional defense committees an update to the report under paragraph (1).
(4) Certification.—Not later than 60 days after the date on which each budget is submitted through January 31, 2021, the Commander of the United States Northern Command shall certify to the congressional defense committees that the most recent defense budget materials include a sufficient level of funding for the ground-based midcourse defense system to modernize the system to remain paced ahead of the developing limited ballistic missile threat to the homeland, including from an accidental or unauthorized ballistic missile attack.

(b) Evaluation of Transportable Ground-Based Interceptor.—Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on transportable ground-based interceptors. Such report shall detail the views of the Director regarding—

(1) the cost that is unconstrained by current projected budget levels for the Missile Defense Agency (including a detailed program development production and deployment cost and schedule for the earliest technically possible deployment), the associated manning, and the comparative cost (including as compared to developing a fixed ground-based in-
terceptor site), technical readiness, and feasibility of a transportable ground-based interceptor as a means to deploy additional ground-based interceptors for the defense of the United States and the operational value of a transportable ground-based interceptor for the defense of the homeland against a limited ballistic missile attack, including from accidental or unauthorized ballistic missile launch;

(2) the type and number of flight and or intercep tests that would be required to validate the capability and compatibility of a transportable ground-based interceptor in the ballistic missile defense system;

(3) the enabling capabilities, and the cost of such capabilities, to support such a system;

(4) any safety consideration of a transportable ground-based interceptor; and

(5) other matters that the Director determines pertinent to such a system.

(c) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section, the terms “budget” and “defense budget materials” have the meanings
given those terms in section 231 of title 10, United States Code.

SEC. 1662. DECLARATORY POLICY, CONCEPT OF OPERATIONS, AND EMPLOYMENT GUIDELINES FOR LEFT-OF-LAUNCH CAPABILITY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees the following:

(1) Both the classified and unclassified declaratory policy of the United States regarding the use of the left-of-launch capability of the United States against potential targets and how the Secretary and the Chairman intend to ensure that such capability is a deterrent to attacks by adversaries.

(2) Both the classified and unclassified concept of operations for the use of such capability across and between the combatant commands.

(3) Both the classified and unclassified employment strategy, plans, and options for such capability.
SEC. 1663. PROCUREMENT OF MEDIUM-RANGE DISCRIMINATION RADAR TO IMPROVE HOMELAND MISSILE DEFENSE.

(a) The Director of the Missile Defense Agency shall issue a request for proposals for such radar by not later than October 1, 2017.

(b) The Director shall plan to procure a medium-range discrimination radar or equivalent sensor for a location the Director determines will improve homeland missile defense for the defense of Hawaii from the limited ballistic missile threat (including accidental or unauthorized launch) and plan for such radar to be fielded by not later than December 31, 2021.

SEC. 1664. SEMIANNUAL NOTIFICATIONS ON MISSILE DEFENSE TESTS AND COSTS.

(a) NOTIFICATIONS.—Not less than once every 180-day period beginning 90 days after the date of the enactment of this Act and ending on January 31, 2021, the Director of the Missile Defense Agency shall submit to the congressional defense committees a notification on—

(1) the outcome of each planned flight test, including intercept tests, occurring during the period covered by the notification; and

(2) flight tests, including intercept tests, planned to occur after the date of the notification.
(b) ELEMENTS.—Each notification shall include the following:

(1) With respect to each test described in subsection (a)(1)—

(A) the cost;

(B) any changes made to the scope or objectives of the test, or future tests, and an explanation for such changes;

(C) in the event of a failure of the test or a decision to delay or cancel the test—

(i) the reasons such test did not succeed or occur;

(ii) the funds expended on such attempted test; and

(iii) in the case of a test failure or cancelled test that is the result of contractor performance, the contractor liability, if appropriate, as compared to the cost of such test and potential retest; and

(D) the plan to conduct a retest, if necessary, and an estimate of the cost of such retest.

(2) With respect to each test described in subsection (a)(2)—
(A) any changes made to the scope of the test;

(B) whether the test was to occur earlier but was delayed; and

(C) an explanation for any such changes or delays.

(3) The status of any open failure review boards or any failure review boards completed during the period covered by the notification.

(e) FORM.—Each notification submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1665. NATIONAL MISSILE DEFENSE POLICY.

(a) POLICY.—It is the policy of the United States to maintain and improve a robust layered missile defense system capable of defending the territory of the United States, allies, deployed forces, and capabilities against the developing and increasingly complex ballistic missile threat with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

(b) CONFORMING REPEAL.—Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) is repealed.
SEC. 1666. SENSE OF CONGRESS ON INITIAL OPERATING
CAPABILITY OF PHASE 2 OF EUROPEAN
PHASED ADAPTIVE APPROACH TO MISSILE
DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) President Obama, during his announcement
of the European Phased Adaptive Approach on Sep-
tember 17, 2009, stated, “This approach is based on
an assessment of the Iranian missile threat,” and
“the best way to responsibly advance our security
and the security of our allies is to deploy a missile
defense system that best responds to the threats we
face and that utilizes technology that is both proven
and cost-effective.”.

(2) The 2010 Ballistic Missile Defense review
stated that “The [European] Phased Adaptive Ap-
proach utilizes existing and proven capabilities to
meet current threats and then will improve upon
these capabilities over time by integrating new tech-
nology.”.

(3) Secretary of Defense Leon Panetta, during
a speech in Brussels on October 5, 2011, stated,
“The United States is fully committed to building a
missile defense capability for the full coverage and
protection of all our NATO European populations,
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their territory and their forces against the growing threat posed by ballistic missiles.”.

(4) Secretary of Defense Chuck Hagel, during a press conference on March 15, 2013, stated, “The missile deployments the United States is making in phases one through three of the European Phased Adaptive Approach, including sites in Romania and Poland, will still be able to provide coverage of all European NATO territory as planned by 2018.”.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the United States is committed to the defense of deployed members of the Armed Forces of the United States and to the defense of the European allies of the United States by increasing the ballistic missile defense capability of the North Atlantic Treaty Organization (in this section referred to as “NATO”);

(2) phase 2 of the European Phased Adaptive Approach will provide NATO with a substantial increase in ballistic missile defense capability since NATO declared Interim Ballistic Missile Defense Capability at the Chicago Summit in 2012, and such phase consists of—

(A) Aegis Ashore in Romania;
(B) four Aegis ballistic missile defense capable ships homeported at Rota, Spain; and

(C) a more capable SM–3 interceptor;

(3) NATO is moving forward with the modernization of the defense capabilities of NATO that is responsive to 21st century threats to the territory and populations of member states of NATO;

(4) the member states of NATO recognize the importance of this contribution, which sends a clear signal that NATO will not allow potential adversaries to threaten the use of ballistic missile strikes to coerce NATO or deter NATO from responding to aggression against the interests of NATO; and

(5) phase 2 of the European Phased Adaptive Approach is ready for 24-hour-a-day, seven-day-a-week operation, with proven military systems and command and control capability, and should be so declared at the July 2016 NATO Summit in Warsaw, Poland.

Subtitle F—Other Matters

SEC. 1671. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, as amended by section 1255, is further amended by adding at the end the following new section:
§ 130j. Protection of certain facilities and assets from unmanned aircraft

(a) Authority.—The Secretary of Defense may take, and may authorize the armed forces to take, such actions described in subsection (b)(1) that are necessary to mitigate the threat of an unmanned aircraft system or unmanned aircraft that poses an imminent threat (as defined by the Secretary of Defense, in coordination with the Secretary of Transportation) to the safety or security of a covered facility or asset.

(b) Actions Described.—(1) The actions described in this paragraph are the following:

(A) Disrupt control of the unmanned aircraft system or unmanned aircraft.

(B) Seize and exercise control of the unmanned aircraft system or unmanned aircraft.

(C) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

(D) Use reasonable force to disable or destroy the unmanned aircraft system or unmanned aircraft.

(2) The Secretary of Defense shall develop the actions described in paragraph (1) in coordination with the Secretary of Transportation, consistent with the protection of information regarding sensitive defense capabilities.
“(c) FORFEITURE.—(1) Any unmanned aircraft system or unmanned aircraft described in subsection (a) shall be subject to seizure and forfeiture to the United States.

“(2) The Secretary of Defense may prescribe regulations to establish reasonable exceptions to paragraph (1), including in cases where—

“(A) the operator of the unmanned aircraft system or unmanned aircraft obtained the control and possession of such system or aircraft illegally; or

“(B) the operator of the unmanned aircraft system or unmanned aircraft is an employee of a common carrier acting in manner described in subsection (a) without the knowledge of the common carrier.

“(d) REGULATIONS.—The Secretary of Defense and the Secretary of Transportation shall prescribe regulations and issue guidance in the respective areas of each Secretary to carry out this section.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘covered facility or asset’ means any facility or asset that is—

“(A) identified by the Secretary of Defense for purposes of this section;
“(B) located in the United States (including the territories and possessions of the United States); and

“(C) relating to—

“(i) the nuclear deterrence mission of the Department of Defense, including with respect to nuclear command and control, integrated tactical warning and attack assessment, and continuity of government;

“(ii) the missile defense mission of the Department; or

“(iii) the national security space mission of the Department.

“(2) The terms ‘unmanned aircraft’ and ‘unmanned aircraft system’ have the meaning given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130i, as added by section 1255, the following new item:

“130j. Protection of certain facilities and assets from unmanned aircraft.”.
SEC. 1672. IMPROVEMENT OF COORDINATION BY DEPARTMENT OF DEFENSE OF ELECTROMAGNETIC SPECTRUM USAGE.

Not later than December 31, 2016, the Secretary of Defense shall submit to the congressional defense committees a report evaluating whether establishing an intra-departmental council in the Department of Defense on the use of electromagnetic spectrum by the Department would improve coordination within the Department on—

(1) the use of such spectrum;

(2) the acquisition cycle with respect to such spectrum;

(3) training by the Armed Forces, including with respect to electronic and cyber warfare; and

(4) other purposes the Secretary considers useful.

TITLE XVII—DEPARTMENT OF DEFENSE ACQUISITION AGILITY

SEC. 1701. MODULAR OPEN SYSTEM APPROACH IN DEVELOPMENT OF MAJOR WEAPON SYSTEMS.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 144A the following new chapter:
“CHAPTER 144B—WEAPON SYSTEMS

DEVELOPMENT AND RELATED MATTERS

“Subchapter Sec.
I. Modular Open System Approach in Development of Weapon Systems ........................................... 2446a
II. Development, Prototyping, and Deployment of Weapon System Components and Technology ........................................... 2447a
III. Cost, Schedule, and Performance of Major Defense Acquisition Programs ......................................... 2448a

“SUBCHAPTER I—MODULAR OPEN SYSTEM APPROACH IN DEVELOPMENT OF WEAPON SYSTEMS

§ 2446a. Requirement for modular open system approach in major defense acquisition programs; definitions.

“(a) MODULAR OPEN SYSTEM APPROACH REQUIREMENT.—A major defense acquisition program initiated after January 1, 2019, shall be designed and developed, to the maximum extent practicable, with a modular open system approach to enable incremental development.

“(b) DEFINITIONS.—In this chapter:

“(1) The term ‘modular open system approach’

means, with respect to a major defense acquisition
program, an integrated business and technical strategy that—

“(A) employs a modular design that uses major system interfaces between a major system platform and a major system component or between major system components;

“(B) is subjected to verification to ensure major system interfaces comply with, if available and suitable, widely supported and consensus-based standards;

“(C) uses a system architecture that allows severable major system components at the appropriate level to be incrementally added, removed, or replaced throughout the life cycle of a major system platform to afford opportunities for enhanced competition and innovation while yielding—

“(i) significant cost savings or avoidance;

“(ii) schedule reduction;

“(iii) opportunities for technical upgrades;

“(iv) increased interoperability; or
“(v) other benefits during the sustainment phase of a major weapon system; and

“(D) complies with the technical data rights set forth in section 2320 of this title.

“(2) The term ‘major system platform’ means the highest level structure of a major weapon system that is not physically mounted or installed onto a higher level structure and on which a major system component can be physically mounted or installed.

“(3) The term ‘major system component’—

“(A) means a high level subsystem or assembly, including hardware, software, or an integrated assembly of both, that can be mounted or installed on a major system platform through well-defined major system interfaces; and

“(B) includes a subsystem or assembly that is likely to have additional capability requirements, is likely to change because of evolving technology or threat, is needed for interoperability, facilitates incremental deployment of capabilities, or is expected to be replaced by another major system component.

“(4) The term ‘major system interface’ means a shared boundary between a major system platform...
and a major system component or between major
system components, defined by various physical, log-
ical, and functional characteristics, such as elec-
trical, mechanical, fluidic, optical, radio frequency,
data, networking, or software elements.

“(5) The term ‘program capability document’
means, with respect to a major defense acquisition
program, a document that specifies capability re-
quirements for the program, such as a capability de-
development document or a capability production docu-
ment.

“(6) The terms ‘program cost target’ and ‘field-
ing target’ have the meanings provided in section
2448a(a) of this title.

“(7) The term ‘major defense acquisition pro-
gram’ has the meaning provided in section 2430 of
this title.

“(8) The term ‘major weapon system’ has the
meaning provided in section 2379(f) of this title.
§ 2446b. Requirement to address modular open system approach in program capabilities development and acquisition weapon system design

(a) PROGRAM CAPABILITY DOCUMENT.—A program capability document for a major defense acquisition program shall identify and characterize—

“(1) the extent to which requirements for system performance are likely to evolve during the life cycle of the system because of evolving technology, threat, or interoperability needs; and

“(2) for requirements that are expected to evolve, the minimum acceptable capability that is necessary for initial operating capability of the major defense acquisition program.

(b) ANALYSIS OF ALTERNATIVES.—The Director of Cost Assessment and Performance Evaluation, in formulating study guidance for analyses of alternatives for major defense acquisition programs and performing such analyses under section 139a(d)(4) of this title, shall ensure that any such analysis for a major defense acquisition program includes consideration of evolutionary acquisition, prototyping, and a modular open system approach.

(c) ACQUISITION STRATEGY.—In the case of a major defense acquisition program that uses a modular
open system approach, the acquisition strategy required under section 2431a of this title shall—

“(1) clearly describe the modular open system approach to be used for the program;

“(2) differentiate between the major system platform and major system components being developed under the program, as well as major system components developed outside the program that will be integrated into the major defense acquisition program;

“(3) clearly describe the evolution of major system components that are anticipated to be added, removed, or replaced in subsequent increments;

“(4) identify additional major system components that may be added later in the life cycle of the major system platform; and

“(5) clearly describe how intellectual property and related issues, such as technical data deliverables, that are necessary to support a modular open system approach, will be addressed.

“(d) REQUEST FOR PROPOSALS.—The milestone decision authority for a major defense acquisition program that uses a modular open system approach shall ensure that a request for proposals for the development or production phases of the program shall describe the modular
open system approach and the minimum set of major system components that must be included in the design of the major defense acquisition program.

“(e) MILESTONE B.—A major defense acquisition program may not receive Milestone B approval under section 2366b of this title until the milestone decision authority determines in writing that—

“(1) in the case of a program that uses a modular open system approach—

“(A) the program incorporates clearly defined major system interfaces between the major system platform and major system components and between major system components;

“(B) such major system interfaces are consistent with the widely supported and consensus-based standards that exist at the time of the milestone decision, unless such standards are unavailable or unsuitable for particular major system interfaces; and

“(C) the Government has arranged to obtain appropriate and necessary intellectual property rights with respect to such major system interfaces upon completion of the development of the major system platform; or
“(2) in the case of a program that does not use a modular open system approach, that the use of a modular open system approach is not practicable.

§ 2446c. Requirements relating to availability of major system interfaces and support for modular open system approach

“The Secretary of each military department shall—

“(1) coordinate with the other military departments, the defense agencies, defense and other private sector entities, national standards-setting organizations, and, when appropriate, with elements of the intelligence community with respect to the specification, identification, development, and maintenance of major system interfaces and standards for use in major system platforms, where practicable;

“(2) ensure that major system interfaces incorporate commercial standards and other widely supported consensus-based standards that are validated, published, and maintained by recognized standards organizations to the maximum extent practicable;

“(3) ensure that sufficient systems engineering and development expertise and resources are available to support the use of a modular open system approach in requirements development and acquisition program planning;
“(4) ensure that necessary planning, programming, and budgeting resources are provided to specify, identify, develop, and sustain the modular open system approach, associated major system interfaces, and any additional program activities necessary to sustain innovation and interoperability; and

“(5) ensure that adequate training in the use of a modular open system approach is provided to members of the requirements and acquisition workforce.

§ 2446d. Requirement to include modular open system approach in Selected Acquisition Reports

“For each major defense acquisition program that receives Milestone B approval after January 1, 2019, a brief summary description of the key elements of the modular open system approach or, if a modular open system approach was not used, the rationale for not using such an approach, shall be submitted to the congressional defense committees with the first Selected Acquisition Report required under section 2432 of this title for the program.”.

(b) Clerical Amendment.—The table of chapters for title 10, United States Code, is amended by adding
after the item relating to chapter 144A the following new item:

“144B. Weapon Systems Development and Related Matters ..................................................................................2446a”.

(c) Conforming Amendment.—Section 2366b(a)(3) of such title is amended—

(1) by striking “and” at the end of subparagraph (K); and

(2) by inserting after subparagraph (L) the following new subparagraph:

“(M) the requirements of section 2446b(e) of this title are met; and”.

(d) Effective Date.—Subchapter I of chapter 144B of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2016.

SEC. 1702. DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY.

(a) In General.—Chapter 144B of title 10, United States Code, as added by section 1701, is further amended by adding at the end the following new subchapter:

“SUBCHAPTER II—DEVELOPMENT, PROTOTYPING, AND DEPLOYMENT OF WEAPON SYSTEM COMPONENTS OR TECHNOLOGY

Sec.

2447a. Technology development in the acquision of major weapon systems.

2447b. Weapon system component or technology prototype projects; display of budget information.
“§ 2447a. Technology development in the acquisition of major weapon systems

“Technology shall be developed in a major defense acquisition program that is initiated after January 1, 2019, only if the milestone decision authority for the program determines with a high degree of confidence that such development will not delay the fielding target of the program. If the milestone decision authority does not make such determination for a major system component being developed under the program, the milestone decision authority shall ensure that technology related to the major system component shall be sufficiently matured separate from the major defense acquisition program using the prototyping authorities of this section or other authorities, as appropriate.

“§ 2447b. Weapon system component or technology prototype projects: display of budget information

“(a) REQUIREMENTS FOR BUDGET DISPLAY.—In the defense budget materials for any fiscal year after fiscal year 2017, the Secretary of Defense shall, with respect to advanced component development and prototype activi-
ties (within the research, development, test, and evaluation budget), set forth the amounts requested for each of the following:

“(1) Acquisition programs of record.

“(2) Development, prototyping, and experimentation of weapon system components or other technologies separate from acquisition programs of record.

“(3) Other budget line items as determined by the Secretary of Defense.

“(b) ADDITIONAL REQUIREMENTS.—For purposes of subsection (a)(2), the amounts requested for development, prototyping, and experimentation of weapon system components or other technologies shall be—

“(1) structured into either capability, weapon system component, or technology portfolios that reflect the priority areas for prototype projects; and

“(2) justified with general descriptions of the types of capability areas and technologies being funded or expected to be funded during the fiscal year concerned.

“(c) DEFINITIONS.—In this section, the terms ‘budget’ and ‘defense budget materials’ have the meaning given those terms in section 234 of this title.
§ 2447c. Weapon system component or technology prototype projects: oversight

“(a) ESTABLISHMENT.—The Secretary of each military department shall establish an oversight board or identify a similar group of senior advisors for managing prototype projects for weapon system components and other technologies and subsystems, including the use of funds for such projects, within the military department concerned.

“(b) MEMBERSHIP.—Each oversight board shall be comprised of senior officials with—

“(1) expertise in requirements; research, development, test, and evaluation; acquisition; or other relevant areas within the military department concerned;

“(2) awareness of technology development activities and opportunities in the Department of Defense, industry, and other sources; and

“(3) awareness of the component capability requirements of major weapon systems, including scheduling and fielding goals for such component capabilities.

“(c) FUNCTIONS.—The functions of each oversight board are as follows:

“(1) To issue a strategic plan every three years that prioritizes the capability and weapon system
component portfolio areas for conducting prototype projects, based on assessments of high priority warfighter needs, capability gaps on existing major weapon systems, opportunities to incrementally integrate new components into major weapon systems, and technologies that are expected to be sufficiently mature to prototype within three years.

“(2) To annually recommend funding levels for weapon system component or technology development and prototype projects across capability or weapon system component portfolios.

“(3) To annually recommend to the service acquisition executive of the military department concerned specific weapon system component or technology development and prototype projects, subject to the requirements and limitations in section 2447d of this title.

“(4) To ensure projects are managed by experts within the Department of Defense who are knowledgeable in research, development, test, and evaluation and who are aware of opportunities for incremental deployment of component capabilities and other technologies to major weapon systems or directly to support warfighting capabilities.
“(5) To ensure projects are conducted in a manner that allows for appropriate experimentation and technology risk.

“(6) To ensure necessary technical, contracting, and financial management resources are available to support each project.

“(7) To submit to the congressional defense committees a semiannual notification that includes the following:

“(A) A description of each weapon system component or technology prototype project initiated during the preceding six months, including an explanation of each project and its required funding.

“(B) A description of the results achieved from weapon system component prototype and technology projects completed and tested during the preceding six months.

“§ 2447d. Requirements and limitations for weapon system component or technology prototype projects

“(a) LIMITATION ON PROTOTYPE PROJECT DURATION.—A prototype project shall be completed within three years of its initiation.
“(b) Merit-Based Selection Process.—A prototype project shall be selected by the service acquisition executive of the military department concerned through a merit-based selection process that identifies the most promising and cost-effective prototypes that address a high priority warfighter need and are expected to be successfully demonstrated in a relevant environment.

“(c) Type of Transaction.—Prototype projects shall be funded through contracts, cooperative agreements, or other transactions.

“(d) Funding Limit.—(1) Each prototype project may not exceed a total amount of $10,000,000 (based on fiscal year 2017 constant dollars), unless—

“(A) the Secretary of the military department, or the Secretary’s designee, approves a larger amount of funding for the project, not to exceed $50,000,000; and

“(B) the Secretary, or the Secretary’s designee, submits to the congressional defense committees, within 30 days after approval of such funding for the project, a notification that includes—

“(i) a description of the project;

“(ii) expected funding for the project; and

“(iii) a statement of the anticipated outcome of the project.
“(2) The Secretary of Defense may adjust the amounts (and the base fiscal year) provided in paragraph (1) on the basis of Department of Defense escalation rates.

§2447e. Mechanisms to speed deployment of successful weapon system component or technology prototypes

“(a) SELECTION OF RAPID FIELDING PROJECT FOR PRODUCTION.—A weapon system component or technology rapid fielding project may be selected by the service acquisition executive of the military department concerned for a follow-on production contract or other transaction without the use of competitive procedures, notwithstanding the requirements of section 2304 of this title, if—

“(1) a rapid fielding project addresses a high priority warfighter need;

“(2) competitive procedures were used for the selection of parties for participation in the rapid fielding project;

“(3) the participants in the project successfully completed the project provided for in the transaction; and
“(4) a prototype of the system to be procured in the rapid fielding project was demonstrated in a relevant environment.

“(b) SPECIAL TRANSFER AUTHORITY.—(1) The Secretary of a military department may transfer funds that remain available for obligation in procurement appropriation accounts of the military department to fund the low-rate initial production of the rapid fielding project until required funding for full-rate production can be submitted and approved through the regular budget process of the Department of Defense.

“(2) The funds transferred under this subsection to fund the low-rate initial production of a rapid fielding project shall be for a period not to exceed two years, the amount for such period may not exceed $50,000,000, and the special transfer authority provided in this subsection may not be used more than once to fund procurement of a particular new or upgraded system.

“(3) The special transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

“(c) NOTIFICATION TO CONGRESS.—Within 30 days after the service acquisition executive of a military department selects a weapon system component or technology rapid fielding project for a follow-on production contract
or other transaction, the service acquisition executive shall notify the congressional defense committees of the selection and provide a brief description of the rapid fielding project.

§ 2447f. Definition of weapon system component

“In this subchapter, the term ‘weapon system component’ has the meaning given the term ‘major system component’ in section 2446a of this title.”.

(b) EFFECTIVE DATE.—Subchapter II of chapter 144B of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2016.

SEC. 1703. COST, SCHEDULE, AND PERFORMANCE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Chapter 144B of title 10, United States Code, as added by section 1701, is amended by adding at the end the following new subchapter:

“SUBCHAPTER III—COST, SCHEDULE, AND PERFORMANCE OF MAJOR DEFENSE ACQUISITION PROGRAMS

Sec.
2448a. Program cost, fielding, and performance goals in planning major defense acquisition programs.
2448b. Independent technical risk assessments.
2448c. Adherence to requirements and thresholds in major defense acquisition programs.
§ 2448a. Program cost, fielding, and performance goals in planning major defense acquisition programs

(a) PROGRAM COST AND FIELDING TARGETS.—(1) Before a major defense acquisition program receives Milestone A approval or is otherwise initiated prior to Milestone B, the Secretary of Defense shall ensure, by establishing the goals described in paragraph (2), that—

(A) the program will be affordable;

(B) program planning anticipates evolution of capabilities to meet changing threats, technology insertion, and interoperability; and

(C) the program will be fielded when needed.

(2) The goals described in this paragraph are goals for—

(A) the program acquisition unit cost (referred to in this section as the ‘program cost target’); 

(B) the date for initial operational capability (referred to in this section as the ‘fielding target’); and

(C) technology maturation, prototyping, and a modular open system approach to evolve system capabilities and improve interoperability.

(b) CONSIDERATIONS.—In establishing goals under subsection (a) for the program, the Secretary of Defense shall consider each of the following:
“(1) The capability needs and timeframe specified in the initial capabilities document, opportunities for evolution of capabilities, and minimum acceptable capability increments.

“(2) Resources available to fund the development, production, and life cycle of the program, using a reasonable estimate of future defense budgets.

“(3) The number of end items expected to be procured under the program.

“(4) Trade-offs among cost, schedule, technical risk, and performance objectives identified in the analysis of alternatives required under section 2366a of this title.

“(5) The independent cost estimate established pursuant to section 2334(a)(6) of this title.

“(6) The independent technical risk assessment conducted or approved under section 2448b of this title.

“(c) DELEGATION.—The responsibilities of the Secretary of Defense in subsection (a) may be delegated only to the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(d) DEFINITIONS.—In this section:
“(1) The term ‘program acquisition unit cost’ has the meaning provided in section 2432(a) of this title.

“(2) The term ‘initial capabilities document’ has the meaning provided in section 2366a(d)(2) of this title.

§ 2448b. Independent technical risk assessments

“(a) IN GENERAL.—With respect to a major defense acquisition program, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

“(1) before any decision to grant Milestone A approval for the program pursuant to section 2366a of this title, identify critical technologies that need to be matured in the program; and

“(2) before any decision to grant Milestone B approval for the program pursuant to section 2366b of this title, any decision to enter into low-rate initial production or full-rate production, or at any other time considered appropriate by the Under Secretary, conduct or approve an independent technical risk assessment for the program, including the identification of any critical technologies that have not been successfully demonstrated in a relevant environment.
“(b) Categorization of Technical Risk Levels.—The Under Secretary shall issue guidance and a framework for categorizing the degree of technical risk in a major defense acquisition program.

“§2448c. Adherence to requirements and thresholds in major defense acquisition programs

“(a) Capabilities Determination.—The Secretary of the military department concerned shall ensure that the program capability document supporting a Milestone B or subsequent milestone for a major defense acquisition program may not be submitted to the Joint Requirements Oversight Council for approval until the Chief of the armed force concerned determines in writing that the requirements in the document are necessary and realistic in relation to the program cost and fielding targets established under section 2448a(a) of this title.

“(b) Compliance With Targets Before Milestone B Approval.—A major defense acquisition program may not receive Milestone B approval until the milestone decision authority for the program determines in writing that the estimated program acquisition unit cost and the estimated date for initial operational capability for the baseline description for the program (established under section 2435) do not exceed the program cost and fielding targets established under section 2448a(a) of this
title. If such estimated cost is higher than the program
cost target or if such estimated date is later than the field-
ing target, the milestone decision authority may request
that the Secretary of Defense increase the program cost
target or delay the fielding target, as applicable.”.

(b) EffectivE Date.—Subchapter III of chapter
144B of title 10, United States Code, as added by sub-
section (a), shall apply with respect to major defense ac-
quision programs that reach Milestone A after October
1, 2016.

(c) Modification of Milestone Decision Au-
thority.—Effective October 1, 2016, subsection (d) of
section 2430 of title 10, United States Code, as added by
section 825(a) of the National Defense Authorization Act
for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 907),
is amended—

(1) in paragraph (2)(A), by inserting “subject
to paragraph (5),” before “the Secretary deter-
mines”; and

(2) by adding at the end the following new
paragraph:

“(5) The authority of the Secretary of Defense to
designate an alternative milestone decision authority for
a program with respect to which the Secretary determines
that the program is addressing a joint requirement, as set
forth in paragraph (2)(A), shall apply only for a major
defense acquisition program that reaches Milestone A
after October 1, 2016, and before October 1, 2019.”.

SEC. 1704. TRANSPARENCY IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORTS ON MILESTONE DECISION METRICS.—

Subchapter III of chapter 144B of title 10, United States
Code, as added by section 1703, is amended by adding
at the end the following new section:

“§ 2448d. Reports on milestone decision metrics

“(a) REPORT ON MILESTONE A.—Not later than 15
days after granting Milestone A approval for a major de-
defense acquisition program, the milestone decision author-
ity for the program shall provide to the congressional de-
finite committees and, in the case of intelligence or intel-
ligence-related activities, the congressional intelligence
committees a brief summary report that contains the fol-
lowing elements:

“(1) The program cost and fielding targets es-
established by the Secretary of Defense under section
2448a(a) of this title.

“(2) The estimated cost and schedule for the
program established by the military department con-
cerned, including—
“(A) the dollar values estimated for the program acquisition unit cost and total life-cycle cost; and

“(B) the planned dates for each program milestone and initial operational capability.

“(3) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

“(A) the dollar values estimated for the program acquisition unit cost and total life-cycle cost; and

“(B) the planned dates for each program milestone and initial operational capability.

“(4) A summary of the technical risks associated with the program, as determined by the military department concerned, including identification of any critical technologies that need to be matured.

“(5) A summary of the independent technical risk assessment conducted or approved under section 2448b of this title, including identification of any critical technologies that need to be matured.

“(6) A summary of any sufficiency review conducted by the Director of Cost Assessment and Program Evaluation of the analysis of alternatives per-
formed for the program (as referred to in section 2366a(b)(6) of this title).

“(7) Any other information the milestone decision authority considers relevant.

“(b) REPORT ON MILESTONE B.—Not later than 15 days after granting Milestone B approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees and, in the case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following elements:

“(1) The program cost and fielding targets established by the Secretary of Defense under section 2448a(a) of this title.

“(2) The estimated cost and schedule for the program established by the military department concerned, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for each program milestone, initial operational test and evaluation, and initial operational capability.
“(3) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for each program milestone, initial operational test and evaluation, and initial operational capability.

“(4) A summary of the technical risks associated with the program, as determined by the military department concerned, including identification of any critical technologies that have not been successfully demonstrated in a relevant environment.

“(5) A summary of the independent technical risk assessment conducted or approved under section 2448b of this title, including identification of any critical technologies that have not been successfully demonstrated in a relevant environment.

“(6) A statement of whether a modular open system approach is being used for the program.

“(7) Any other information the milestone decision authority considers relevant.
“(c) Report on Milestone C.—Not later than 15 days after granting Milestone C approval for a major defense acquisition program, the milestone decision authority for the program shall provide to the congressional defense committees and, in the case of intelligence or intelligence-related activities, the congressional intelligence committees a brief summary report that contains the following:

“(1) The estimated cost and schedule for the program established by the military department concerned, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and

“(B) the planned dates for initial operational test and evaluation and initial operational capability.

“(2) The independent estimated cost for the program established pursuant to section 2334(a)(6) of this title, and any independent estimated schedule for the program, including—

“(A) the dollar values estimated for the program acquisition unit cost, average procurement unit cost, and total life-cycle cost; and
“(B) the planned dates for initial operational test and evaluation and initial operational capability.

“(3) A summary of any production, manufacturing, and fielding risks associated with the program.

“(d) **ADDITIONAL INFORMATION.**—At the request of any of the congressional defense committees or, in the case of intelligence or intelligence-related activities, the congressional intelligence committees, the milestone decision authority shall submit to the committee further information or underlying documentation for the information in a report submitted under subsection (a), (b), or (c), including the independent cost and schedule estimates and the independent technical risk assessments referred to in those subsections.

“(e) **CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term ‘congressional intelligence committees’ has the meaning given that term in section 437(e) of this title.’’.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2448d. Reports on milestone decision metrics.”.
SEC. 1705. AMENDMENTS RELATING TO TECHNICAL DATA RIGHTS.

(a) Rights Relating to Item or Process Developed Exclusively at Private Expense.—Subsection (a)(2)(C)(iii) of section 2320 of title 10, United States Code, is amended by inserting after “or process data” the following: “, including such data pertaining to a major system component”.

(b) Rights Relating to Interface or Major System Interface.—Subsection (a)(2) of section 2320 of such title is further amended—

(1) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (I), and (J), respectively;

(2) in subparagraph (B), by striking “Except as provided in subparagraphs (C) and (D),’’ and inserting “Except as provided in subparagraphs (C), (D), and (E),’’;

(3) in subparagraph (D)(i), by striking subclause (II) and inserting the following:

“(II) is a release, disclosure, or use of technical data pertaining to an interface between an item or process and other items or processes; or’’;

(4) by inserting after subparagraph (D) the following new subparagraph (E):
“(E) Notwithstanding subparagraph (B), the United States shall have government purpose rights in technical data pertaining to a major system interface developed exclusively at private expense and used in a modular open system approach pursuant to section 2446a of this title.”;

(5) in subparagraph (F), as redesignated by paragraph (1), by striking “In the case of” and inserting “Except as provided in subparagraphs (G) and (H), in the case of”;

(6) by inserting after subparagraph (F), as so redesignated, the following new subparagraphs (G) and (H):

“(G) Notwithstanding subparagraph (F), the United States shall have government purpose rights in technical data pertaining to an interface between an item or process and other items or processes that was developed in part with Federal funds and in part at private expense, except in any case in which the Secretary of Defense determines, on the basis of criteria established in the regulations, that negotiation of different rights in such technical data would be in the best interest of the United States.

“(H) Notwithstanding subparagraph (F), the United States shall have government purpose rights
in technical data pertaining to a major system interface developed in part with Federal funds and in part at private expense and used in a modular open system approach pursuant to section 2446a of this title.”; and

(7) in subparagraph (J), as redesignated by paragraph (1), by striking “provided under subparagraph (C) or (D),” and inserting “provided under subparagraph (C), (D), (E), or (H),”.

(c) Amendment Relating to Negotiated Rights for Item or Process Developed With Mixed Funding.—Section (a)(2)(F) of section 2320 of such title, as redesignated by subsection (b)(1) of this section, is further amended by striking the period at the end of the first sentence in the matter preceding clause (i) and all that follows through “establishment of any such negotiated rights shall” and inserting “and shall be based on negotiations between the United States and the contractor, except in any case in which the Secretary of Defense determines, on the basis of criteria established in the regulations, that negotiations would not be practicable. The establishment of such rights shall”.

(d) Amendment Relating to Deferred Ordering.—Subsection (b)(9) of section 2320 of such title is amended—
(1) by striking "at any time" and inserting ", until the date occurring six years after acceptance of the last item (other than technical data) under a contract or the date of contract termination, whichever is later;"

(2) by striking "or utilized in the performance of a contract" and inserting "in the performance of the contract"; and

(3) by striking clause (ii) of subparagraph (B) and inserting the following:

"(ii) is described in subparagraphs (D)(i)(II), (E), (G), and (H) of subsection (a)(2); and”.

(e) DEFINITIONS.—Section 2320 of such title is further amended—

(1) in subsection (f), by inserting "COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.—" before "In this section"; and

(2) by adding at the end the following new subsection:

"(g) ADDITIONAL DEFINITIONS.—In this section, the terms ‘major system component’, ‘major system interface’, and ‘modular open system approach’ have the meanings provided in section 2446a of this title.".
(f) Amendments to Add Certain Headings for Readability.—Section 2320(a) of such title is further amended—

(1) in subparagraph (A) of paragraph (2), by inserting after “(A)” the following: “DEVELOPMENT EXCLUSIVELY WITH FEDERAL FUNDS.—”;

(2) in subparagraph (B) of such paragraph, by inserting after “(B)” the following: “DEVELOPMENT EXCLUSIVELY AT PRIVATE EXPENSE.—”; and

(3) in subparagraph (F) of such paragraph, as redesignated by subsection (b) of this section, by inserting after “(F)” the following: “DEVELOPMENT IN PART WITH FEDERAL FUNDS AND IN PART AT PRIVATE EXPENSE.—”.

TITLE XVIII—MATTERS RELATING TO SMALL BUSINESS PROCUREMENT

Subtitle A—Improving Transparency and Clarity for Small Businesses

SEC. 1801. PLAIN LANGUAGE REWRITE OF REQUIREMENTS FOR SMALL BUSINESS PROCUREMENTS.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended to read as follows:

“(a) SMALL BUSINESS PROCUREMENTS.—
“(1) IN GENERAL.—For purposes of this Act, small business concerns shall receive any award or contract if such award or contract is, in the determination of the Administrator and the contracting agency, in the interest of—

“(A) maintaining or mobilizing the full productive capacity of the United States;

“(B) war or national defense programs; or

“(C) assuring that a fair proportion of the total purchase and contracts for goods and services of the Government in each industry category (as described under paragraph (2)) are awarded to small business concerns.

“(2) INDUSTRY CATEGORY DEFINED.—

“(A) IN GENERAL.—In this subsection, the term ‘industry category’ means a discrete group of similar goods and services, as determined by the Administrator in accordance with the North American Industry Classification System codes used to establish small business size standards, except that the Administrator shall limit an industry category to a greater extent than provided under the North American Industry Classification codes if the Administrator receives
evidence indicating that further segmentation of
the industry category is warranted—

“(i) due to special capital equipment
needs;

“(ii) due to special labor require-
ments;

“(iii) due to special geographic re-
quirements, except as provided in subpara-
graph (B);

“(iv) due to unique Federal buying
patterns or requirements; or

“(v) to recognize a new industry.

“(B) EXCEPTION FOR GEOGRAPHIC RE-
QUIREMENTS.—The Administrator may not fur-
ther segment an industry category based on ge-
ographic requirements unless—

“(i) the Government typically des-
ignates the geographic area where work for
contracts for goods or services is to be per-
formed;

“(ii) Government purchases comprise
the major portion of the entire domestic
market for such goods or services; and

“(iii) it is unreasonable to expect com-
petition from business concerns located
outside of the general geographic area due to the fixed location of facilities, high mobilization costs, or similar economic factors.

“(3) Determinations with respect to awards or contracts.—Determinations made pursuant to paragraph (1) may be made for individual awards or contracts, any part of an award or contract or task order, or for classes of awards or contracts or task orders.

“(4) Increasing prime contracting opportunities for small business concerns.—

“(A) Description of covered proposed procurements.—The requirements of this paragraph shall apply to a proposed procurement that includes in its statement of work goods or services currently being supplied or performed by a small business concern and, as determined by the Administrator—

“(i) is in a quantity or of an estimated dollar value which makes the participation of a small business concern as a prime contractor unlikely;

“(ii) in the case of a proposed procurement for construction, if such pro-
posed procurement seeks to bundle or consolidate discrete construction projects; or

“(iii) is a solicitation that involves an unnecessary or unjustified bundling of contract requirements.

“(B) NOTICE TO PROCUREMENT CENTER REPRESENTATIVES.—With respect to proposed procurements described in subparagraph (A), at least 30 days before issuing a solicitation and concurrent with other processing steps required before issuing the solicitation, the contracting agency shall provide a copy of the proposed procurement to the procurement center representative of the contracting agency (as described in subsection (l)) along with a statement explaining—

“(i) why the proposed procurement cannot be divided into reasonably small lots (not less than economic production runs) to permit offers on quantities less than the total requirement;

“(ii) why delivery schedules cannot be established on a realistic basis that will encourage the participation of small business
concerns in a manner consistent with the actual requirements of the Government;

“(iii) why the proposed procurement cannot be offered to increase the likelihood of the participation of small business concerns;

“(iv) in the case of a proposed procurement for construction, why the proposed procurement cannot be offered as separate discrete projects; or

“(v) why the agency has determined that the bundling of contract requirements is necessary and justified.

“(C) ALTERNATIVES TO INCREASE PRIME CONTRACTING OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.—If the procurement center representative believes that the proposed procurement will make the participation of small business concerns as prime contractors unlikely, the procurement center representative, within 15 days after receiving the statement described in subparagraph (B), shall recommend to the contracting agency alternative procurement methods for increasing prime contracting opportunities for small business concerns.
“(D) Failure to agree on an alternative procurement method.—If the procurement center representative and the contracting agency fail to agree on an alternative procurement method, the Administrator shall submit the matter to the head of the appropriate department or agency for a determination.

“(5) Contracts for sale of government property.—With respect to a contract for the sale of Government property, small business concerns shall receive any such contract if, in the determination of the Administrator and the disposal agency, the award of such contract is in the interest of assuring that a fair proportion of the total sales of Government property be made to small business concerns.

“(6) Sale of electrical power or other property.—Nothing in this subsection shall be construed to change any preferences or priorities established by law with respect to the sale of electrical power or other property by the Federal Government.

“(7) Costs exceeding fair market price.—A contract may not be awarded under this sub-
section if the cost of the contract to the awarding
agency exceeds a fair market price.”.

**SEC. 1802. IMPROVING REPORTING ON SMALL BUSINESS GOALS.**

(a) **IN GENERAL.**—Section 15(h)(2)(E) of the Small Business Act (15 U.S.C. 644(h)(2)(E)) is amended—

(1) in clause (i)—

(A) in subclause (III), by striking “and” at the end; and

(B) by adding at the end the following new subclauses:

“(V) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns for purposes of the initial contract; and

“(VI) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged...
taged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;”;

(2) in clause (ii)—

(A) in subclause (IV), by striking “and” at the end; and

(B) by adding at the end the following new subclauses:

“(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by service-disabled veterans for purposes of the initial contract; and

“(VII) that were awarded using a procurement method that restricted competition to qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;”;
(3) in clause (iii)—

(A) in subclause (V), by striking “and” at the end; and

(B) by adding at the end the following new subclauses:

“(VII) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be qualified HUBZone small business concerns for purposes of the initial contract; and

“(VIII) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, or a subset of any such concerns;”;

(4) in clause (iv)—

(A) in subclause (V), by striking “and” at the end; and
(B) by adding at the end the following new subclauses:

“(VII) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned and controlled by socially and economically disadvantaged individuals for purposes of the initial contract; and

“(VIII) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by women, or a subset of any such concerns;”;

(5) in clause (v)—

(A) in subclause (IV), by striking “and” at the end;

(B) in subclause (V), by inserting “and” at the end; and
(C) by adding at the end the following new subclause:

“(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned by an Indian tribe other than an Alaska Native Corporation for purposes of the initial contract;”;

(6) in clause (vi)—

(A) in subclause (IV), by striking “and” at the end;

(B) in subclause (V), by inserting “and” at the end; and

(C) by adding at the end the following new subclause:

“(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned by a Native Hawaiian Organization for purposes of the initial contract;”;

(7) in clause (vii)—
(A) in subclause (IV), by striking “and” at the end; and

(B) by adding at the end the following new subclause:

“(VI) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned by an Alaska Native Corporation for purposes of the initial contract; and”;

and

(8) in clause (viii)—

(A) in subclause (VII), by striking “and” at the end;

(B) in subclause (VIII), by striking “and” at the end; and

(C) by adding at the end the following new subclauses:

“(IX) that were purchased by another entity after the initial contract was awarded and as a result of the purchase, would no longer be deemed to be small business concerns owned
and controlled by women for purposes of the initial contract; and

“(X) that were awarded using a procurement method that restricted competition to small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, or a subset of any such concerns; and”.


SEC. 1803. TRANSPARENCY IN SMALL BUSINESS GOALS.

Section 15(h)(3) of the Small Business Act (15 U.S.C. 644(h)(3)) is amended to read as follows:
“(3) PROCUREMENT DATA.—

“(A) FEDERAL PROCUREMENT DATA SYSTEM.—

“(i) IN GENERAL.—To assist in the implementation of this section, the Administrator shall have access to information collected through the Federal Procurement Data System, Federal Subcontracting Reporting System, or any new or successor system.

“(ii) GSA REPORT.—On the date that the Administrator makes available the report required by paragraph (2), the Administrator of the General Services Administration shall submit a report to the President and Congress, and to make available on a public Web site, a report in the same form and manner, and including the same information, as the report under paragraph (2). Such report shall include all procurements made for the period covered by the report and may not exclude any contract awarded.

“(B) AGENCY PROCUREMENT DATA SOURCES.—To assist in the implementation of
this section, the head of each contracting agency shall provide, upon request of the Administrator, procurement information collected through agency data collection sources in existence at the time of the request. Contracting agencies shall not be required to establish new data collection systems to provide such data.”.

SEC. 1804. UNIFORMITY IN PROCUREMENT TERMINOLOGY.

(a) In General.—Section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) is amended by striking “greater than $2,500 but not greater than $100,000” and inserting “greater than the micro-purchase threshold, but not greater than the simplified acquisition threshold”.

(b) Technical Amendment.—Section 3(m) of the Small Business Act (15 U.S.C. 632(m)) is amended to read as follows:

“(m) Definitions Pertaining to Contracting.—In this Act:

“(1) Prime contract.—The term ‘prime contract’ has the meaning given such term in section 8701(4) of title 41, United States Code.

“(2) Prime contractor.—The term ‘prime contractor’ has the meaning given such term in section 8701(5) of title 41, United States Code.
“(3) **Simplified acquisition threshold.**—
The term ‘simplified acquisition threshold’ has the meaning given such term in section 134 of title 41, United States Code.

“(4) **Micro-purchase threshold.**—The term ‘micro-purchase threshold’ has the meaning given such term in section 1902(a) of title 41, United States Code.

“(5) **Total purchase and contracts for property and services.**—The term ‘total purchase and contracts for property and services’ shall mean total number and total dollar amount of contracts and orders for property and services.”.

**Subtitle B—Clarifying the Roles of Small Business Advocates**

**SEC. 1811. SCOPE OF REVIEW BY PROCUREMENT CENTER REPRESENTATIVES.**
Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended by adding at the end the following:

“(9) **Scope of review.**—The Administrator—

“(A) may not limit the scope of review by the Procurement Center Representative for any solicitation of a contract or task order without regard to whether the contract or task order or part of the contract or task order is set aside...
for small business concerns, whether 1 or more
contract or task order awards are reserved for
small business concerns under a multiple award
contract, or whether or not the solicitation
would result in a bundled or consolidated con-
tract (as defined in subsection (s)) or a bundled
or consolidated task order; and

“(B) may, unless the contracting agency
requests a review, limit the scope of review by
the Procurement Center Representative for any
solicitation of a contract or task order if such
procurement is conducted pursuant to section
22 of the Foreign Military Sales Act (22 U.S.C.
2762), is a humanitarian operation as defined
in section 401(e) of title 10, United States
Code, or is for a contingency operation, as de-
defined in section 101(a)(13) of title 10, United
States Code.”.

SEC. 1812. RESPONSIBILITIES OF COMMERCIAL MARKET
REPRESENTATIVES.

Section 4(h) of the Small Business Act (as added by
section 865 of the National Defense Authorization Act for
Fiscal Year 2016 (Public Law 114–92)) is amended to
read as follows:

“(h) COMMERCIAL MARKET REPRESENTATIVES.—
“(1) DUTIES.—The principal duties of a Commercial Market Representative employed by the Administrator and reporting to the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36 (or the designee of such official) shall be to advance the policies established in section 8(d)(1) relating to subcontracting. Such duties shall include—

“(A) helping prime contractors to find small business concerns that are capable of performing subcontracts;

“(B) for contractors awarded contracts containing the clause described in section 8(d)(3), providing—

“(i) counseling on the contractor’s responsibility to maximize subcontracting opportunities for small business concerns;

“(ii) instruction on methods and tools to identify potential subcontractors that are small business concerns; and

“(iii) assistance to increase awards to subcontractors that are small business concerns through visits, training, and reviews of past performance;
“(C) providing counseling on how a small business concern may promote its capacity to contractors awarded contracts containing the clause described in section 8(d)(3); and

“(D) conducting periodic reviews of contractors awarded contracts containing the clause described in section 8(d)(3) to assess compliance with subcontracting plans required under section 8(d)(6).

“(2) CERTIFICATION REQUIREMENTS.—

“(A) IN GENERAL.—Consistent with the requirements of subparagraph (B), a commercial market representative referred to in section 15(q)(3) shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that a commercial market representative who was serving on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016 may continue to serve as a commercial market representative for a period of 5 years beginning on such date without such a certification.
“(B) Delay of certification requirement.—

“(i) Timing.—The certification described in subparagraph (A) is not required for any person serving as a commercial market representative until the date that is one calendar year after the date such person is appointed as a commercial market representative.

“(ii) Application.—The requirements of clause (i) shall be included in any initial job posting for the position of a commercial market representative and shall apply to any person appointed as a commercial market representative after November 25, 2015.”.

SEC. 1813. DUTIES OF THE OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), as amended by section 870 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is amended—

(1) by striking “section 8, 15 or 44” and inserting “section 8, 15, 31, 36, or 44”;
(2) by striking “sections 8 and 15” each place such term appears and inserting “sections 8, 15, 31, 36, and 44”;

(3) in paragraph (10), by striking “section 8(a)” and inserting “section 8, 15, 31, or 36”;

(4) in paragraph (17)(C), by striking the period at the end, and inserting “; and”;

(5) by inserting after paragraph (17) the following new paragraph:

“(18) shall review summary data provided by purchase card issuers of purchases made by the agency greater than the micro-purchase threshold, and less than the simplified acquisition threshold to ensure that the purchases have been made in compliance with the provisions of this Act and have been properly recorded in the Federal Procurement Data System, if the method of payment is a purchase card issued by the Department of Defense pursuant to section 2784 of title 10, United States Code, or by the head of an executive agency pursuant to section 1909 of title 41, United States Code;”; and

(6) in paragraph (16)—

(A) in subparagraph (B), by striking “and” at the end; and
(B) by adding at the end the following new
subparagraph:

“(D) any failure of the agency to comply
with section 8, 15, 31, or 36;”.

SEC. 1814. IMPROVING CONTRACTOR COMPLIANCE.

(a) REQUIREMENTS FOR THE OFFICE OF SMALL AND
DISADVANTAGED BUSINESS UTILIZATION.—Section 15(k)
of the Small Business Act (15 U.S.C. 644(k)(8)), as
amended by this Act, is further amended by inserting after
paragraph (18) (as inserted by section 1813 of this Act)
the following:

“(19) shall provide assistance to a small busi-
ness concern awarded a contract or subcontract
under this Act or under title 10 or title 41, United
States Code, in finding resources for education and
training on compliance with contracting regulations
(including the Federal Acquisition Regulation) after
award of such a contract or subcontract; and”.

(b) REQUIREMENTS UNDER THE MENTOR-PROTEGE
PROGRAM OF THE DEPARTMENT OF DEFENSE.—Section
831(e)(1) of the National Defense Authorization Act for
Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1607;
10 U.S.C. 2302 note) is amended—

(1) in subparagraph (B), by striking “and” at
the end;
(2) in subparagraph (C), by striking the period at the end and inserting ‘‘; and’’; and

(3) by inserting at the end the following new subparagraph:

“(D) the assistance the mentor firm will provide to the protege firm in understanding contract regulations of the Federal Government and the Department of Defense (including the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement) after award of a subcontract under this section, if applicable.’’.

(c) RESOURCES FOR SMALL BUSINESS CONCERNS.—

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

“(t) POST-AWARD COMPLIANCE RESOURCES.—The Administrator shall provide to small business development centers and entities participating in the Procurement Technical Assistance Cooperative Agreement Program under chapter 142 of title 10, United States Code, and shall make available on the website of the Administration, a list of resources for small business concerns seeking education and assistance on compliance with contracting reg-
ulations (including the Federal Acquisition Regulation) after award of a contract or subcontract.”.

(d) Requirements for Procurement Center Representatives.—Section 15(l)(2) of the Small Business Act (15 U.S.C. 644(l)(2)) is amended—

(1) by redesignating subparagraph (I) as subparagraph (J);

(2) in subparagraph (H), by striking “and” at the end; and

(3) by inserting after subparagraph (H) the following new subparagraph:

“(I) assist small business concerns with finding resources for education and training on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of a contract or subcontract; and”.

(e) Requirements Under the Mentor-Protege Program of the Small Business Administration.—

Section 45(b)(3) of the Small Business Act (15 U.S.C. 657r(b)(3)) is amended by adding at the end the following new subparagraph:

“(K) The extent to which assistance with compliance with the requirements of contracting with the Federal Government after award of a contract or subcontract under this section.”.
SEC. 1815. RESPONSIBILITIES OF BUSINESS OPPORTUNITY SPECIALISTS.

Section 4(g) of the Small Business Act (as added by section 865 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92)) is amended to read as follows:

“(g) BUSINESS OPPORTUNITY SPECIALISTS.—

“(1) DUTIES.—The exclusive duties of a Business Opportunity Specialist employed by the Administrator and reporting to the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36 (or the designee of such official) shall be to implement sections 7, 8, and 45 and to complete other duties related to contracting programs under this Act. Such duties shall include—

“(A) with respect to small business concerns eligible to receive contracts and subcontracts pursuant to section 8(a)—

“(i) providing guidance, counseling, and referrals for assistance with technical, management, financial, or other matters that will improve the competitive viability of such concerns;

“(ii) identifying causes of success or failure of such concerns;
“(iii) providing comprehensive assessments of such concerns, including identifying the strengths and weaknesses of such concerns;

“(iv) monitoring and documenting compliance with the requirements of sections 7 and 8 and any regulations implementing those sections;

“(v) explaining the requirements of sections 7, 8, 15, 31, 36 and 45; and

“(vi) advising on compliance with contracting regulations (including the Federal Acquisition Regulation) after award of such a contract or subcontract;

“(B) reviewing and monitoring compliance with mentor-protege agreements under section 45;

“(C) representing the interests of the Administrator and small business concerns in the award, modification, and administration of contracts and subcontracts awarded pursuant to section 8(a); and

“(D) reporting fraud or abuse under section 7, 8, 15, 31, 36 or 45 or any regulations implementing such sections.
“(2) Certification Requirements.—

“(A) In General.—Consistent with the requirements of subparagraph (B), a Business Opportunity Specialist described under section 7(j)(10)(D) shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that a Business Opportunity Specialist who was serving on or before January 3, 2013, may continue to serve as a Business Opportunity Specialist for a period of 5 years beginning on such date without such a certification.

“(B) Delay of Certification Requirement.—

“(i) Timing.—The certification described in subparagraph (A) is not required for any person serving as a Business Opportunity Specialist until the date that is one calendar year after the date such person is appointed as a Business Opportunity Specialist.

“(ii) Application.—The requirements of clause (i) shall be included in any initial job posting for the position of a
Business Opportunity Specialist and shall apply to any person appointed as a Business Opportunity Specialist after January 3, 2013”.

Subtitle C—Strengthening Opportunities for Competition in Subcontracting

SEC. 1821. GOOD FAITH IN SUBCONTRACTING.

(a) TRANSPARENCY IN SUBCONTRACTING GOALS.—

Section 8(d)(9) of the Small Business Act (15 U.S.C. 637(d)(9)) is amended—

(1) by striking “(9) The failure” and inserting the following:

“(9) MATERIAL BREACH.—The failure”;

(2) in subparagraph (A), by striking “or” at the end;

(3) in subparagraph (B), by inserting “or” at the end;

(4) by inserting after subparagraph (B) the following:

“(C) assurances provided under paragraph (6)(E),”;

and

(5) by moving the margins of subparagraphs (A) and (B), and the matter after subparagraph (C) (as inserted by paragraph (4)), 2 ems to the right.
(b) Review of Subcontracting Plans.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended by inserting after paragraph (19) (as inserted by section 1814 of this Act) the following:

“(20) shall review all subcontracting plans required by section 8(d)(4) or 8(d)(5) to ensure that the plan provides maximum practicable opportunity for small business concerns to participate in the performance of the contract to which the plan applies.”.

c) Good Faith Compliance.—Not later than 270 days after the date of enactment of this title, the Administrator of the Small Business Administration shall provide examples of activities that would be considered a failure to make a good faith effort to comply with the requirements imposed on an entity (other than a small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is awarded a prime contract containing the clauses required under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).
SEC. 1822. PILOT PROGRAM TO PROVIDE OPPORTUNITIES 
FOR QUALIFIED SUBCONTRACTORS TO OBTAIN PAST PERFORMANCE RATINGS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)), as amended by this Act, is further amended by adding at the end the following new paragraph:

“(18) PILOT PROGRAM PROVIDING PAST PERFORMANCE RATINGS FOR OTHER SMALL BUSINESS SUBCONTRACTORS.—

“(A) ESTABLISHMENT.—The Administrator shall establish a pilot program for a small business concern without a past performance rating as a prime contractor performing as a first tier subcontractor for a covered contract (as defined in paragraph 13(A)) to request a past performance rating in the system used by the Federal Government to monitor or record contractor past performance.

“(B) APPLICATION.—A small business concern described in subparagraph (A) shall submit an application to the appropriate official for a past performance rating. Such application shall include written evidence of the past performance factors for which the small business concern seeks a rating and a suggested rating.
"(C) DETERMINATION.—The appropriate official shall submit the application from the small business concern to the Office of Small and Disadvantaged Business Utilization for the covered contract and to the prime contractor for review. The Office of Small and Disadvantaged Business Utilization and the prime contractor shall, not later than 30 days after receipt of the application, submit to the appropriate official a response regarding the application.

"(i) AGREEMENT ON RATING.—If the Office of Small and Disadvantaged Business Utilization and the prime contractor agree on a past performance rating, or if either the Office of Small and Disadvantaged Business Utilization or the prime contractor fail to respond and the responding individual agrees with the rating of the applicant small business concern, the appropriate official shall enter the agreed-upon past performance rating in the system described in subparagraph (A).

"(ii) DISAGREEMENT ON RATING.—If the Office of Small and Disadvantaged
Business Utilization and the prime contractor fail to respond within 30 days or if they disagree about the rating, or if either the Office of Small and Disadvantaged Business Utilization or the prime contractor fail to respond and the responding individual disagrees with the rating of the applicant small business concern, the Office of Small and Disadvantaged Business Utilization or the prime contractor shall submit a notice contesting the application to the appropriate official. The appropriate official shall follow the requirements of subparagraph (D).

“(D) PROCEDURE FOR RATING.—Not later than 14 calendar days after receipt of a notice under subparagraph (C)(ii), the appropriate official shall submit such notice to the applicant small business concern. Such concern may submit comments, rebuttals, or additional information relating to the past performance of such concern not later 14 calendar days after receipt of such notice. The appropriate official shall enter into the system described in subparagraph (A) a rating that is neither favorable nor unfa-
vor able along with the initial application from the small business concern, the responses of the Office of Small and Disadvantaged Business Utilization and the prime contractor, and any additional information provided by the small business concern. A copy of the information submitted shall be provided to the contracting officer (or designee of such officer) for the covered contract.

“(E) USE OF INFORMATION.—A small business subcontractor may use a past performance rating given under this paragraph to establish its past performance for a prime contract.

“(F) DURATION.—The pilot program established under this paragraph shall terminate 3 years after the date on which the first small business concern receives a past performance rating for performance as a first tier subcontractor.

“(G) REPORT.—The Comptroller General of the United States shall begin an assessment of the pilot program 1 year after the establishment of such program. Not later than 6 months after beginning such assessment, the Comp-
troller General shall submit a report to the
Committee on Small Business and Entrepren-
eurship of the Senate and the Committee on
Small Business of the House of Representa-
tives, which shall include—

“(i) the number of small business con-
cerns that have received past performance
ratings under the pilot program;

“(ii) the number of applications in
which the contracting officer (or designee)
or the prime contractor contested the ap-
plication of the small business concern;

“(iii) any suggestions or recommenda-
tions the Comptroller General or the small
business concerns participating in the pro-
gram have to address disputes between the
small business concern, the contracting of-
ficer (or designee), and the prime con-
tractor on past performance ratings;

“(iv) the number of small business
concerns awarded prime contracts after re-
ceiving a past performance rating under
this pilot; and
“(v) any suggestions or recommendation the Comptroller General has to improve the operation of the pilot program.

“(H) APPROPRIATE OFFICIAL DEFINED.—In this paragraph, the term ‘appropriate official’ means a Commercial Market Representative or other individual designated by the senior official appointed by the Administrator with responsibilities under sections 8, 15, 31, and 36.”.

Subtitle D—Mentor-Protege Programs

SEC. 1831. AMENDMENTS TO THE MENTOR-PROTEGE PROGRAM OF THE DEPARTMENT OF DEFENSE.


(1) in subsection (d)—

(A) by amending paragraph (1) to read as follows:

“(1) prior to the approval of that agreement, the Administrator of the Small Business Administration had made no finding of affiliation between the mentor firm and the protege firm;”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2)(A) the Administrator of the Small Business Administration does not have a current finding of affiliation between the mentor firm and protege firm; or

“(B) the Secretary, after considering the regulations promulgated by the Administrator of the Small Business Administration regarding affiliation—

“(i) does not have reason to believe that the mentor firm affiliated with the protege firm; or

“(ii) has received a formal determination of no affiliation between the mentor firm and protege firm from the Administrator after having submitted a question of affiliation to the Administrator; and”;

(2) in subsection (n), by amending paragraph (9) to read as follows:

“(9) The term ‘affiliation’, with respect to a relationship between a mentor firm and a protege firm, means a relationship described under section
121.103 of title 13, Code of Federal Regulations (or any successor regulation).”;

(3) in subsection (f)(6)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(D) women’s business centers described in section 29 of the Small Business Act (15 U.S.C. 656).”.

SEC. 1832. IMPROVING COOPERATION BETWEEN THE MENTOR-PROTEGE PROGRAMS OF THE SMALL BUSINESS ADMINISTRATION AND THE DEPARTMENT OF DEFENSE.

Section 45(b)(4) of the Small Business Act (15 U.S.C. 657r(b)(4)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

Subtitle E—Women’s Business Programs

SEC. 1841. OFFICE OF WOMEN’S BUSINESS OWNERSHIP.

Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—
(1) in paragraph (2), by striking subparagraphs (B) and (C) and inserting the following:

“(B) RESPONSIBILITIES.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women’s Business Ownership.

“(C) DUTIES.—The Assistant Administrator shall perform the following functions with respect to the Office of Women’s Business Ownership:

“(i) Recommend the annual administrative and program budgets of the Office and eligible entities receiving a grant under the Women’s Business Center Program.

“(ii) Review the annual budgets submitted by each eligible entity receiving a grant under the Women’s Business Center Program.

“(iii) Select applicants to receive grants to operate a women’s business center after reviewing information required by this section, including the budget of each applicant.
“(iv) Collaborate with other Federal departments and agencies, State and local governments, not-for-profit organizations, and for-profit enterprises to maximize utilization of taxpayer dollars and reduce (or eliminate) any duplication among the programs overseen by the Office of Women’s Business Ownership and those of other entities that provide similar services to women entrepreneurs.

“(v) Maintain a clearinghouse to provide for the dissemination and exchange of information between women’s business centers.

“(vi) Serve as the vice chairperson of the Interagency Committee on Women’s Business Enterprise and as the liaison for the National Women’s Business Council.”;

and

(2) by adding at the end the following:

“(3) MISSION.—The mission of the Office of Women’s Business Ownership shall be to assist women entrepreneurs to start, grow, and compete in global markets by providing quality support with ac-
cess to capital, access to markets, job creation, growth, and counseling by—

“(A) fostering participation of women entrepreneurs in the economy by overseeing a network of women’s business centers throughout States and territories;

“(B) creating public-private partnerships to support women entrepreneurs and conduct outreach and education to startup and existing small business concerns owned and controlled by women; and

“(C) working with other programs overseen by the Administrator to ensure women are well-represented and being served and to identify gaps where participation by women could be increased.

“(4) ACCREDITATION PROGRAM.—

“(A) ESTABLISHMENT.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall establish standards for an accreditation program for accrediting eligible entities receiving a grant under this section.

“(B) TRANSITION PROVISION.—Before the date on which standards are established under
subparagraph (A), the Administrator may not terminate a grant under this section absent evidence of fraud or other criminal misconduct by the recipient.

“(C) CONTRACTING AUTHORITY.—The Administrator may provide financial assistance, by contract or otherwise, to a relevant national women’s business center representative association to provide assistance in establishing the standards required under subparagraph (A) or for carrying out an accreditation program pursuant to such standards.”.

SEC. 1842. WOMEN’S BUSINESS CENTER PROGRAM.

(a) DEFINITIONS.—Section 29(a) of the Small Business Act (15 U.S.C. 656(a)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

“(2) the term ‘eligible entity’ means—

“(A) an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;
“(B) a State, regional, or local economic development organization, so long as the organization certifies that grant funds received under this section will not be commingled with other funds;

“(C) an institution of higher education, unless such institution is currently receiving a grant under section 21;

“(D) a development, credit, or finance corporation chartered by a State, so long as the corporation certifies that grant funds received under this section will not be commingled with other funds; or

“(E) any combination of entities listed in subparagraphs (A) through (D);”; and

(4) by adding at the end the following:

“(5) the term ‘women’s business center’ means the location at which counseling and training on the management, operations (including manufacturing, services, and retail), access to capital, international trade, Government procurement opportunities, and any other matter is needed to start, maintain, or expand a small business concern owned and controlled by women.”.
(b) AUTHORITY.—Section 29(b) of the Small Business Act (15 U.S.C. 656(b)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking “The Administration” and all that follows through “5-year projects” and inserting the following:

“(1) IN GENERAL.—There is established a Women’s Business Center Program under which the Administrator may provide a grant to any eligible entity to operate one or more women’s business centers”;

(3) by striking “The projects shall” and inserting the following:

“(2) USE OF FUNDS.—The women’s business centers shall be designed to provide counseling and training that meets the needs of women, especially socially or economically disadvantaged women, and shall”; and

(4) by adding at the end the following:

“(3) AMOUNT OF GRANTS.—

“(A) IN GENERAL.—The amount of a grant provided under this subsection to an eligible entity per project year shall be not more
than $185,000 (as such amount is annually ad-
justed by the Administrator to reflect the
change in inflation).

“(B) ADDITIONAL GRANTS.—

“(i) IN GENERAL.—Notwithstanding
subparagraph (A), with respect to an eligi-
ble entity that has received $185,000 in
grants under this subsection in a project
year, the Administrator may award an ad-
ditional grant under this subsection of up
to $65,000 during such project year if the
Administrator determines that the eligible
entity—

“(I) agrees to obtain, after its
application has been approved and no-
tice of award has been issued, cash
contributions from non-Federal
sources of 1 non-Federal dollar for
each Federal dollar;

“(II) is in good standing with the
Women’s Business Center Program;
and

“(III) has met performance goals
for the previous project year, if appli-
cable.
“(ii) LIMITATIONS.—The Administrator may only award additional grants under clause (i)—

“(I) during the 3rd and 4th quarters of the fiscal year; and

“(II) from unobligated amounts made available to the Administrator to carry out this section.

“(4) NOTICE AND COMMENT REQUIRED.—The Administrator may only make a change to the standards by which an eligible entity obtains or maintains grants under this section, the standards for accreditation, or any other requirement for the operation of a women’s business center if the Administrator first provides notice and the opportunity for public comment, as set forth in section 553(b) of title 5, United States Code, without regard to any exceptions provided for under such section.”.

(c) CONDITIONS OF PARTICIPATION.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1)—

(A) by striking “the recipient organization” and inserting “an eligible entity”; and
(B) by striking “financial assistance” and inserting “a grant”;  

(2) in paragraph (3)—

(A) by striking “financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and” and inserting “grants authorized pursuant to this section”; and

(B) in the second sentence, by striking “a recipient organization” and inserting “an eligible entity”;  

(3) in paragraph (4)—

(A) by striking “recipient of assistance” and inserting “eligible entity”;  

(B) by striking “during any project, it shall not be eligible thereafter” and inserting “during any project for 2 consecutive years, the eligible entity shall not be eligible at any time after that 2-year period”;  

(C) by striking “such organization” and inserting “the eligible entity”; and  

(D) by striking “the recipient” and inserting “the eligible entity”; and

(4) by adding at end the following:
“(5) SEPARATION OF PROJECT AND FUNDS.—

An eligible entity shall—

“(A) carry out a project under this section separately from other projects, if any, of the eligible entity; and

“(B) separately maintain and account for any grants under this section.

“(6) EXAMINATION OF ELIGIBLE ENTITIES.—

“(A) REQUIRED SITE VISIT.—Each applicant, prior to receiving a grant under this section, shall have a site visit by an employee of the Administration, in order to ensure that the applicant has sufficient resources to provide the services for which the grant is being provided.

“(B) ANNUAL REVIEW.—An employee of the Administration shall—

“(i) conduct an annual review of the compliance of each eligible entity receiving a grant under this section with the grant agreement, including a financial examination; and

“(ii) provide such review to the eligible entity as required under subsection (l).

“(7) REMEDIATION OF PROBLEMS.—
“(A) PLAN OF ACTION.—If a review of an eligible entity under paragraph (6)(B) identifies any problems, the eligible entity shall, within 45 calendar days of receiving such review, provide the Assistant Administrator with a plan of action, including specific milestones, for correcting such problems.

“(B) PLAN OF ACTION REVIEW BY THE ASSISTANT ADMINISTRATOR.—The Assistant Administrator shall review each plan of action submitted under subparagraph (A) within 30 calendar days of receiving such plan and—

“(i) if the Assistant Administrator determines that such plan will bring the eligible entity into compliance with all the terms of the grant agreement, approve such plan;

“(ii) if the Assistant Administrator determines that such plan is inadequate to remedy the problems identified in the annual review to which the plan of action relates, the Assistant Administrator shall set forth such reasons in writing and provide such determination to the eligible entity
within 15 calendar days of such determination.

“(C) AMENDMENT TO PLAN OF ACTION.— An eligible entity receiving a determination under subparagraph (B)(ii) shall have 30 calendar days from the receipt of the determination to amend the plan of action to satisfy the problems identified by the Assistant Administrator and resubmit such plan to the Assistant Administrator.

“(D) AMENDED PLAN REVIEW BY THE ASSISTANT ADMINISTRATOR.—Within 15 calendar days of the receipt of an amended plan of action under subparagraph (C), the Assistant Administrator shall either approve or reject such plan and provide such approval or rejection in writing to the eligible entity.

“(E) APPEAL OF ASSISTANT ADMINISTRATOR DETERMINATION.—

“(i) IN GENERAL.—If the Assistant Administrator rejects an amended plan under subparagraph (D), the eligible entity shall have the opportunity to appeal such decision to the Administrator, who may
delegate such appeal to an appropriate officer of the Administration.

“(ii) OPPORTUNITY FOR EXPLANATION.—Any appeal described under clause (i) shall provide an opportunity for the eligible entity to provide, in writing, an explanation of why the eligible entity’s plan remedies the problems identified in the annual review.

“(iii) NOTICE OF DETERMINATION.—The determination of the appeal shall be provided to the eligible entity, in writing, within 15 calendar days from the eligible entity’s filing of the appeal.

“(iv) EFFECT OF FAILURE TO ACT.—If the Administrator fails to act on an appeal made under this subparagraph within the 15 calendar day period specified under clause (iii), the eligible entity’s amended plan of action submitted under subparagraph (C) shall be deemed to be approved.

“(8) TERMINATION OF GRANT.—

“(A) IN GENERAL.—The Administrator shall require that, if an eligible entity fails to comply with a plan of action approved by the
Assistant Administrator under paragraph (7)(B)(i) or an amended plan of action approved by the Assistant Administrator under paragraph (7)(D) or approved on appeal under paragraph (7)(E), the Assistant Administrator shall terminate the grant provided to the eligible entity under this section.

“(B) APPEAL OF TERMINATION.—An eligible entity that has a grant terminated under subparagraph (A) shall have the opportunity to challenge the termination on the record and after an opportunity for a hearing.

“(C) FINAL AGENCY ACTION.—The determination made pursuant to subparagraph (B) shall be considered final agency action for the purposes of chapter 7, title 5, United States Code.”.

(d) SUBMISSION OF 5-YEAR PLAN.—Section 29(e) of the Small Business Act (15 U.S.C. 656(e)) is amended—

(1) by striking “applicant organization” and inserting “eligible entity”;

(2) by striking “a recipient organization” and inserting “an eligible entity”;

(3) by striking “financial assistance” and inserting “grants”; and
(4) by striking "site".

(e) APPLICATIONS AND CRITERIA FOR INITIAL GRANT.—Subsection (f) of section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

“(f) APPLICATIONS AND CRITERIA FOR INITIAL GRANT.—

“(1) APPLICATION.—Each eligible entity desiring a grant under subsection (b) shall submit to the Administrator an application that contains—

“(A) a certification that the eligible entity—

“(i) has designated an executive director or program manager, who may be compensated using grant funds under subsection (b) or other sources, to manage the women’s business center for which a grant under subsection (b) is sought;

“(ii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

“(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women’s business center, including the abil-
ity to obtain the non-Federal contribution re-
quired under subsection (e);

“(C) information relating to the assistance
to be provided by the women’s business center
in the area in which the women’s business cen-
ter is located;

“(D) information demonstrating the expe-
rience and effectiveness of the eligible entity
in—

“(i) conducting the services described
under subsection (a)(5);

“(ii) providing training and services to
a representative number of women who are
socially or economically disadvantaged; and

“(iii) working with resource partners
of the Administration and other entities,
such as universities; and

“(E) a 5-year plan that describes the abil-
ity of the eligible entity to provide the services
described under subsection (a)(3), including to
a representative number of women who are so-
cially or economically disadvantaged.

“(2) REVIEW AND APPROVAL OF APPLICATIONS
FOR INITIAL GRANTS.—
“(A) REVIEW AND SELECTION OF ELIGIBLE ENTITIES.—

“(i) IN GENERAL.—The Administrator shall review applications to determine whether the applicant can meet obligations to perform the activities required by a grant under this section, including—

“(I) the experience of the applicant in conducting activities required by this section;

“(II) the amount of time needed for the applicant to commence operations should it be awarded a grant;

“(III) the capacity of the applicant to meet the accreditation standards established by the Administrator in a timely manner;

“(IV) the ability of the applicant to sustain operations for more than 5 years (including its ability to obtain sufficient non-Federal funds for that period); and

“(V) the location of the women’s business center and its proximity to
other grant recipients under this section.

“(ii) Selection criteria.—

“(I) Guidance.—The Administrator shall issue guidance (after providing an opportunity for notice and comment) to specify the criteria for review and selection of applicants under this subsection.

“(II) Modifications prohibited after announcement.—With respect to a public announcement of any opportunity to be awarded a grant under this section made by the Administrator pursuant to subsection (l)(1), the Administrator may not modify guidance issued pursuant to subclause (I) with respect to such opportunity unless required to do so by an Act of Congress or an order of a Federal court.

“(III) Rule of construction.—Nothing in this clause may be construed as prohibiting the Administrator from modifying the guidance
issued pursuant to subclause (I) (after providing an opportunity for notice and comment) as such guidance applies to an opportunity to be awarded a grant under this section that the Administrator has not yet publicly announced pursuant to subsection (l)(1).

“(B) RECORD RETENTION.—

“(i) IN GENERAL.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 5 years.

“(ii) PAPERWORK REDUCTION.—The Administrator shall take steps to reduce, to the maximum extent practicable, the paperwork burden associated with carrying out clause (i).”.

(f) NOTIFICATION REQUIREMENTS UNDER THE WOMEN’S BUSINESS CENTER PROGRAM.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by inserting after subsection (k) the following:

“(l) NOTIFICATION REQUIREMENTS UNDER THE WOMEN’S BUSINESS CENTER PROGRAM.—The Administrator shall provide—
“(1) a public announcement of any opportunity to be awarded grants under this section, and such announcement shall include the standards by which such award will be made, including the guidance issued pursuant to subsection (f)(2)(A)(ii);

“(2) the opportunity for any applicant for a grant under this section that failed to obtain such a grant a debriefing with the Assistant Administrator to review the reasons for the applicant’s failure; and

“(3) with respect to any site visit or evaluation of an eligible entity receiving a grant under this section that is carried out by an officer or employee of the Administration (other than the Inspector General), a copy of the site visit report or evaluation, as applicable, within 30 calendar days of the completion of such vision or evaluation.”.

(g) CONTINUED FUNDING FOR CENTERS.—Section 29(m) of the Small Business Act (15 U.S.C. 656(m)) is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) APPLICATION AND APPROVAL FOR CONTINUATION GRANTS.—
“(A) Solicitation of Applications.— The Administrator shall solicit applications and award continuation grants under this subsection for the first fiscal year beginning after the date of enactment of this paragraph, and every third fiscal year thereafter.

“(B) Contents of Application.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

“(i) a certification that the applicant—

“(I) is an eligible entity;

“(II) has designated an executive director or program manager to manage the women’s business center operated by the applicant; and

“(III) as a condition of receiving a grant under this subsection, agrees—

“(aa) to receive a site visit as part of the final selection process, at the discretion of the Administrator; and
“(bb) to remedy any problem identified pursuant to the site visit under item (aa);

“(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women’s business center for which a grant under this subsection is sought, including the ability to obtain the non-Federal contribution required under paragraph (4)(C);

“(iii) information relating to assistance to be provided by the women’s business center in the geographic area served by the women’s business center for which a grant under this subsection is sought;

“(iv) information demonstrating that the applicant has worked with resource partners of the Administration and other entities;

“(v) a 3-year plan that describes the services provided by the women’s business center for which a grant under this subsection is sought—
“(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

“(II) to provide training and services to a representative number of women who are socially or economically disadvantaged; and

“(vi) any additional information that the Administrator may reasonably require.

“(C) Review and Approval of Applications for Grants.—

“(i) In General.—The Administrator—

“(I) shall review each application submitted under subparagraph (B), based on the information described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

“(II) as part of the final selection process, may, at the discretion of the Administrator, conduct a site visit to each women’s business center for which a grant under this subsection is
sought, in particular to evaluate the women’s business center using the selection criteria described in clause (ii)(II).

“(ii) SELECTION CRITERIA.—

“(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

“(aa) established before the date on which applicants are required to submit the applications;

“(bb) stated in terms of relative importance; and

“(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

“(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—
“(aa) the total number of entrepreneurs served by the applicant;

“(bb) the total number of new startup companies assisted by the applicant;

“(cc) the percentage of clients of the applicant that are socially or economically disadvantaged;

“(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged;

“(ee) the successful accreditation of the applicant under the accreditation program developed under subsection (g)(5); and

“(ff) any additional criteria that the Administrator may reasonably require.

“(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—
“(I) shall consider the results of the most recent evaluation of the women’s business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

“(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

“(D) NOTIFICATION.—Not later than 60 calendar days after the date of each deadline to submit applications under this paragraph, the Administrator shall approve or deny each submitted application and notify the applicant for each such application of the approval or denial.

“(E) RECORD RETENTION.—

“(i) IN GENERAL.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 5 years.
“(ii) PAPERWORK REDUCTION.—The Administrator shall take steps to reduce, to the maximum extent practicable, the paperwork burden associated with carrying out clause (i).”; and

(2) by striking paragraph (5) and inserting the following:

“(5) AWARD TO PREVIOUS RECEPIENTS.—There shall be no limitation on the number of times the Administrator may award a grant to an applicant under this subsection.”.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (h)(2), by striking “to award a contract (as a sustainability grant) under subsection (l) or”;

(2) in subsection (j)(1), by striking “The Administration” and inserting “Not later than November 1 of each year, the Administrator”;

(3) in subsection (k)—

(A) by striking paragraphs (1) and (4);

(B) by inserting before paragraph (2) the following:
“(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended, $21,750,000 for each of fiscal years 2017 through 2020.”; and

(C) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) EXCEPTIONS.—Of the amount made available under this subsection for a fiscal year, the following amounts shall be available for selection panel costs, costs associated with maintaining an accreditation program, and post-award conference costs:

“(i) For the first fiscal year beginning after the date of the enactment of this subparagraph, 2.65 percent.

“(ii) For the second fiscal year beginning after the date of the enactment of this subparagraph and each fiscal year thereafter through fiscal year 2020, 2.5 percent.”; and

(4) in subsection (m)—

(A) in paragraph (2), by striking “subsection (b) or (l)” and inserting “this subsection or subsection (b)”;}
(B) in paragraph (4)(D), by striking “or subsection (l)”.

(i) Effect on Existing Grants.—

(1) Terms and Conditions.—A nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this title, shall continue to receive the grant under the terms and conditions in effect for the grant on the day before the date of enactment of this title, except that the nonprofit organization may not apply for a continuation of the grant under section 29(m)(5) of the Small Business Act (15 U.S.C. 656(m)(5)), as in effect on the day before the date of enactment of this title.

(2) Length of Continuation Grant.—The Administrator of the Small Business Administration may award a grant under section 29(m) of the Small Business Act to a nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this title, for the period—
(A) beginning on the day after the last day
of the grant agreement under such section
29(m); and
(B) ending at the end of the third fiscal
year beginning after the date of enactment of
this title.

SEC. 1843. MATCHING REQUIREMENTS UNDER WOMEN'S
BUSINESS CENTER PROGRAM.
Section 29(c) of the Small Business Act (15 U.S.C.
656(c)), as amended by this Act, is amended—
(1) in paragraph (1), by striking “As a condi-
tion” and inserting “Subject to paragraph (6), as a
condition”; and
(2) by adding at the end the following:
“(9) WAIVER OF NON-FEDERAL SHARE.—
“(A) IN GENERAL.—Upon request by an
eligible entity, and in accordance with this para-
graph, the Administrator may waive, in whole
or in part, the requirement to obtain non-Fed-
eral funds under this subsection for counseling
and training activities of the eligible entity car-
rried out using a grant under this section for a
fiscal year. The Administrator may not waive
the requirement for an eligible entity to obtain
non-Federal funds under this paragraph for more than a total of 2 consecutive fiscal years.

“(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

“(i) the economic conditions affecting the eligible entity;

“(ii) the impact a waiver under this paragraph would have on the credibility of the Women’s Business Center Program under this section;

“(iii) the demonstrated ability of the eligible entity to raise non-Federal funds; and

“(iv) the performance of the eligible entity.

“(C) LIMITATION.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the Women's Business Center Program.

“(10) SOLICITATION.—Notwithstanding any other provision of law, eligible entity may—
“(A) solicit cash and in-kind contributions from private individuals and entities to be used to carry out the activities of the eligible entity under the project conducted under this section; and

“(B) use amounts made available by the Administrator under this section for the cost of such solicitation and management of the contributions received.

“(11) EXCESS NON-FEDERAL DOLLARS.—The amount of non-Federal dollars obtained by an eligible entity that is above the amount that is required to be obtained by the eligible entity under this subsection shall not be subject to the requirements of part 200 of title 2, Code of Federal Regulations, or any successor thereto, if such amount of non-Federal dollars—

“(A) is not used as matching funds for purposes of implementing the Women’s Business Center Program; and

“(B) was not obtained using funds from the Women’s Business Center Program.”.
Subtitle F—SCORE Program

SEC. 1851. SCORE REAUTHORIZATION.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by redesignating subsection (j) as subsection (f); and

(2) by adding at the end the following:

“(g) SCORE PROGRAM.—There are authorized to be appropriated to the Administrator to carry out the SCORE program authorized by section 8(b)(1) such sums as are necessary for the Administrator to make grants or enter into cooperative agreements in a total amount that does not exceed $10,500,000 in each of fiscal years 2017 and 2018.”.

SEC. 1852. SCORE PROGRAM.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(1) in subsection (b)(1)(B), by striking “a Service Corps of Retired Executives (SCORE)” and inserting “the SCORE program described in subsection (c)”;

(2) by striking subsection (e) and inserting the following:

“(e) SCORE PROGRAM.—

“(1) DEFINITION.—In this subsection:
“(A) SCORE ASSOCIATION.—The term ‘SCORE Association’ means the Service Corps of Retired Executives Association or any successor or other organization who receives a grant from the Administrator to operate the SCORE program under paragraph (2)(A).

“(B) SCORE PROGRAM.—The term ‘SCORE program’ means the SCORE program authorized by subsection (b)(1)(B).

“(2) MANAGEMENT AND VOLUNTEERS.—

“(A) IN GENERAL.—The Administrator shall provide a grant to the SCORE Association to manage the SCORE program.

“(B) VOLUNTEERS.—A volunteer participating in the SCORE program shall—

“(i) based on the business experience and knowledge of the volunteer—

“(I) provide at no cost to individuals who own, or aspire to own, small business concerns personal counseling, mentoring, and coaching relating to the process of starting, expanding, managing, buying, and selling a business; and
“(II) facilitate low-cost education workshops for individuals who own, or aspire to own, small business concerns; and

“(ii) as appropriate, use tools, resources, and expertise of other organizations to carry out the SCORE program.

“(3) PLANS AND GOALS.—The Administrator, in consultation with the SCORE Association, shall ensure that the SCORE program and each chapter of the SCORE program develop and implement plans and goals to more effectively and efficiently provide services to individuals in rural areas, economically disadvantaged communities, and other traditionally underserved communities, including plans for electronic initiatives, web-based initiatives, chapter expansion, partnerships, and the development of new skills by volunteers participating in the SCORE program.

“(4) ANNUAL REPORT.—The SCORE Association shall submit to the Administrator an annual report that contains—

“(A) the number of individuals counseled or trained under the SCORE program;
“(B) the number of hours of counseling provided under the SCORE program; and

“(C) to the extent possible—

“(i) the number of small business concerns formed with assistance from the SCORE program;

“(ii) the number of small business concerns expanded with assistance from the SCORE program; and

“(iii) the number of jobs created with assistance from the SCORE program.

“(5) PRIVACY REQUIREMENTS.—

“(A) IN GENERAL.—Neither the Administrator nor the SCORE Association may disclose the name, address, or telephone number of any individual or small business concern receiving assistance from the SCORE Association without the consent of such individual or small business concern, unless—

“(i) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

“(ii) the Administrator determines such a disclosure to be necessary for the
purpose of conducting a financial audit of
the SCORE program, in which case disclo-
sure shall be limited to the information
necessary for the audit.

“(B) ADMINISTRATOR USE OF INFORMA-
TION.—This paragraph shall not—

“(i) restrict the access of the Adminis-
trator to program activity data; or

“(ii) prevent the Administrator from
using client information to conduct client
surveys.

“(C) STANDARDS.—

“(i) IN GENERAL.—The Administrator
shall, after the opportunity for notice and
comment, establish standards for—

“(I) disclosures with respect to
financial audits under subparagraph
(A)(ii); and

“(II) conducting client surveys,
including standards for oversight of
the surveys and for dissemination and
use of client information.

“(ii) MAXIMUM PRIVACY PROTEC-
TION.—The standards issued under this
paragraph shall, to the extent prac-
ticable, provide for the maximum amount
of privacy protection.”

Subtitle G—Miscellaneous
Provisions

SEC. 1861. IMPROVING EDUCATION ON SMALL BUSINESS
REGULATIONS.

(a) REGULATORY CHANGES AND TRAINING MATER-
RIALS.—Section 15 of the Small Business Act (15 U.S.C.
644), as amended by this Act, is further amended by add-
ing at the end the following new subsection:

“(u) REGULATORY CHANGES AND TRAINING MATER-
RIALS.—Not less than annually, the Administrator shall
provide to the Defense Acquisition University (established
under section 1746 of title 10, United States Code), the
Federal Acquisition Institute (established under section
1201 of title 41, United States Code), the individual re-
 sponsible for mandatory training and education of the ac-
quision workforce of each agency (described under sec-
tion 1703(f)(1)(C) of title 41, United States Code), small
business development centers, and entities participating in
the Procurement Technical Assistance Cooperative Agree-
ment Program under chapter 142 of title 10, United
States Code—

“(1) a list of all changes made in the prior year
to regulations promulgated—
“(A) by the Administrator that affect Federal acquisition; and

“(B) by the Federal Acquisition Council that implement changes to this Act; and

“(2) any materials the Administrator has developed to explain, train, or assist Federal agencies or departments or small business concerns to comply with the regulations specified in paragraph (1).”.

(b) TRAINING TO BE UPDATED.—Upon receipt of information from the Administrator of the Small Business Administration pursuant to section 15(u) of the Small Business Act, the Defense Acquisition University (as under section 1746 of title 10, United States Code) and the Federal Acquisition Institute (established under section 1201 of title 41, United States Code) shall periodically update the training provided to the acquisition workforce.

SEC. 1862. PROTECTING TASK ORDER COMPETITION.

Section 4106(f) of title 41, United States Code, is amended by striking paragraph (3).

SEC. 1863. IMPROVEMENTS TO SIZE STANDARDS FOR SMALL AGRICULTURAL PRODUCERS.

(a) AMENDMENT TO DEFINITION OF AGRICULTURAL ENTERPRISES.—Paragraph (1) of section 18(b) of the Small Business Act (15 U.S.C. 647(b)(1)) is amended by
striking “businesses” and inserting “small business concerns”.

(b) Equal Treatment of Small Farms.—Paragraph (1) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking “operation: Provided,” and all that follows through the period at the end and inserting “operation.”.

(c) Updated Size Standards.—Size standards established under subsection (a) are subject to the rolling review procedures established under section 1344(a) of the Small Business Jobs Act of 2010 (15 U.S.C. 632 note).


(a) Small Business Definition of Small Business Concern Consolidated.—Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) Small business concern owned and controlled by service-disabled veterans.—The term ‘small business concern owned and controlled by service-disabled veterans’ means any of the following:

“(A) A small business concern—
“(i) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock (not including any stock owned by an ESOP) of which is owned by one or more service-disabled veterans; and

“(ii) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

“(B) A small business concern—

“(i) not less than 51 percent of which is owned by one or more service-disabled veterans with a disability that is rated by the Secretary of Veterans Affairs as a permanent and total disability who are unable to manage the daily business operations of such concern; or

“(ii) in the case of a publicly owned business, not less than 51 percent of the stock (not including any stock owned by an
ESOP) of which is owned by one or more such veterans.

“(C)(i) During the time period described in clause (ii), a small business concern that was a small business concern described in subparagraph (A) or (B) immediately prior to the death of a service-disabled veteran who was the owner of the concern, the death of whom causes the concern to be less than 51 percent owned by one or more service-disabled veterans, if—

“(I) the surviving spouse of the deceased veteran acquires such veteran’s ownership interest in such concern;

“(II) such veteran had a service-connected disability (as defined in section 101(16) of title 38, United States Code) rated as 100 percent disabling under the laws administered by the Secretary of Veterans Affairs or such veteran died as a result of a service-connected disability; and

“(III) immediately prior to the death of such veteran, and during the period described in clause (ii), the small business concern is included in the database de-
scribed in section 8127(f) of title 38, United States Code.

“(ii) The time period described in this clause is the time period beginning on the date of the veteran’s death and ending on the earlier of—

“(I) the date on which the surviving spouse remarry;

“(II) the date on which the surviving spouse relinquishes an ownership interest in the small business concern; or

“(III) the date that is 10 years after the date of the death of the veteran.”; and

(2) by adding at the end the following new paragraphs:

“(6) ESOP.—The term ‘ESOP’ has the meaning given the term ‘employee stock ownership plan’ in section 4975(e)(7) of the Internal Revenue Code of 1986 (26 U.S.C. 4975(e)(7)).

“(7) SURVIVING SPOUSE.—The term ‘surviving spouse’ has the meaning given such term in section 101(3) of title 38, United States Code.”.

(b) VETERANS AFFAIRS DEFINITION OF SMALL BUSINESS CONCERN CONSOLIDATED.—
(1) IN GENERAL.—Section 8127 of title 38, United States Code, is amended—

(A) by striking subsection (h) and redesignating subsections (i) through (l) as subsections (h) through (k), respectively; and

(B) in subsection (k), as so redesignated—

(i) by amending paragraph (2) to read as follows:

“(2) The term ‘small business concern owned and controlled by veterans’ has the meaning given that term under section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)).”; and

(ii) by adding at the end the following new paragraph:

“(3) The term ‘small business concern owned and controlled by veterans with service-connected disabilities’ has the meaning given the term ‘small business concern owned and controlled by service-disabled veterans’ under section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).”.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by inserting “or a small business concern owned and controlled by veterans with service-connected disabilities”
after “a small business concern owned and controlled by veterans”;

(B) in subsection (c), by inserting “or a small business concern owned and controlled by veterans with service-connected disabilities” after “a small business concern owned and controlled by veterans”;

(C) in subsection (d) by inserting “or small business concerns owned and controlled by veterans with service-connected disabilities” after “small business concerns owned and controlled by veterans” both places it appears; and

(D) in subsection (f)(1), by inserting “, small business concerns owned and controlled by veterans with service-connected disabilities,” after “small business concerns owned and controlled by veterans”.

(e) TECHNICAL CORRECTION.—Section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)), is amended by adding at the end the following new subparagraph:

“(H) In this contract, the term ‘small business concern owned and controlled by service-disabled veterans’ has the meaning given that term in section 3(q).”.
(d) Regulations Relating to Database of the Secretary of Veterans Affairs.—

(1) Requirement to Use Certain Small Business Administration Regulations.—Section 8127(f)(4) of title 38, United States Code, is amended by striking “verified” and inserting “verified, using regulations issued by the Administrator of the Small Business Administration with respect to the status of the concern as a small business concern and the ownership and control of such concern.”.

(2) Prohibition On Secretary of Veterans Affairs Issuing Certain Regulations.—Section 8127(f) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Secretary may not issue regulations related to the status of a concern as a small business concern and the ownership and control of such small business concern.”.

(e) Delayed Effective Date.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date on which the Administrator of the Small Business Administration and the Secretary of Veterans Affairs jointly issue regulations implementing such sections.

(f) Appeals of Inclusion in Database.—
(1) In general.—Section 8127(f) of title 38, United States Code, as amended by this Act, is further amended by adding at the end the following new paragraph:

“(8)(A) If the Secretary does not verify a concern for inclusion in the database under this subsection based on the status of the concern as a small business concern or the ownership or control of the concern, the concern may appeal the denial of verification to the Office of Hearings and Appeals of the Small Business Administration (as established under section 5(i) of the Small Business Act). The decision of the Office of Hearings and Appeals shall be considered a final agency action.

“(B)(i) If an interested party challenges the inclusion in the database of a small business concern owned and controlled by veterans or a small business concern owned and controlled by veterans with service-connected disabilities based on the status of the concern as a small business concern or the ownership or control of the concern, the challenge shall be heard by the Office of Hearings and Appeals of the Small Business Administration as described in subparagraph (A). The decision of the Office of Hearings and Appeals shall be considered final agency action.
“(ii) In this subparagraph, the term ‘interested party’ means—

“(I) the Secretary; and

“(II) in the case of a small business concern that is awarded a contract, the contracting officer of the Department or another small business concern that submitted an offer for the contract that was awarded to the small business concern that submitted an offer under clause (i).

“(C) For each fiscal year, the Secretary shall reimburse the Administrator of the Small Business Administration in an amount necessary to cover any cost incurred by the Office of Hearings and Appeals of the Small Business Administration for actions taken by the Office under this paragraph. The Administrator is authorized to accept such reimbursement. The amount of any such reimbursement shall be determined jointly by the Secretary and the Administrator and shall be provided from fees collected by the Secretary under multiple-award schedule contracts. Any disagreement about the amount shall be resolved by the Director of the Office of Management and Budget.”.

(2) EFFECTIVE DATE.—Paragraph (8) of subsection (f) of title 38, United States Code, as added by paragraph (1), shall apply with respect to a verification decision made by the Secretary of Vet-
erans Affairs on or after the date of the enactment of this title.

3 SEC. 1865. REQUIRED REPORTS PERTAINING TO CAPITAL PLANNING AND INVESTMENT CONTROL.

The Administrator of the Small Business Administration shall submit to the Senate Committee on Small Business and Entrepreneurship and the Committee on Small Business of the House of Representatives the information described in section 11302(e)(3)(B)(ii) of title 40, United States Code, within 10 days of transmittal to the Director.

4 SEC. 1866. OFFICE OF HEARINGS AND APPEALS.

(a) CLARIFICATION AS TO JURISDICTION.—Section 5(i)(1)(B) of the Small Business Act (15 U.S.C. 634(i)(1)(B)) is amended to read as follows:

“(B) JURISDICTION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Office of Hearings and Appeals shall hear appeals of agency actions under or pursuant to this Act, the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), title 13 of the Code of Federal Regulations, and such other matters as the Administrator may determine appropriate.
“(ii) EXCEPTION.—The Office of Hearings and Appeals shall not adjudicate disputes requiring a hearing on the record, except disputes pertaining to the small business programs described in this Act.”.

(b) NEW PROCEDURES FOR PETITIONS FOR RECONSIDERATION.—Section 3(a)(9) of the Small Business Act (15 U.S.C. 632(a)(9)) is amended by adding at the end the following:

“(E) PROCEDURES.—The Office of Hearings and Appeals shall begin accepting petitions for reconsideration described in subparagraph (A) upon the effective date of the procedures implementing this paragraph. Notwithstanding the provisions of subparagraph (B), petitions for reconsideration of size standards revised, modified, or established in a Federal Register final rule published between November 25, 2015 and the effective date of such procedures shall be considered timely if filed within 30 days of such effective date.”.

SEC. 1867. ISSUANCE OF GUIDANCE ON SMALL BUSINESS MATTERS.

Not later than 180 days after the date of enactment of this title, the Administrator of the Small Business Ad-
ministration shall issue guidance pertaining to the amend-
ments made by this Act to the Small Business Act by this
title. The Administrator shall provide notice and oppor-
tunity for comment on such guidance for a period of not
less than 60 days.

DIVISION B—MILITARY CON-
STRUCTION AUTHORIZA-
TIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construc-
tion Authorization Act for Fiscal Year 2017”.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND
AMOUNTS REQUIRED TO BE SPECIFIED BY
LAW.

(a) Expiration of Authorizations After Three
Years.—Except as provided in subsection (b), all author-
izations contained in titles XXI through XXVII and title
XXIX for military construction projects, land acquisition,
family housing projects and facilities, and contributions to
the North Atlantic Treaty Organization Security Invest-
ment Program (and authorizations of appropriations
therefor) shall expire on the later of—

(1) October 1, 2019; or
(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2020 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2016; or

(2) the date of the enactment of this Act.
TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$47,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Concord</td>
<td>$12,600,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$13,100,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Gordon</td>
<td>$129,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart</td>
<td>$129,600,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Shafter</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$6,900,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Camp Williams</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>$23,000,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out the military
construction project for the installations or locations outside the United States, and in the amount, set forth in the following table:

**Army: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>Guantanamo Bay</td>
<td>$33,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>East Camp Grafenwoehr</td>
<td>$22,000,000</td>
</tr>
<tr>
<td></td>
<td>Garmisch</td>
<td>$9,600,000</td>
</tr>
<tr>
<td></td>
<td>Wiesbaden Army Airfield</td>
<td>$19,200,000</td>
</tr>
</tbody>
</table>

**SEC. 2102. FAMILY HOUSING.**

(a) **Construction and Acquisition.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Army: Family Housing**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Camp Humphreys ...</td>
<td>Family Housing New</td>
<td>$297,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Walker</td>
<td>Construction</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family Housing New</td>
<td>$54,554,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Construction</td>
<td></td>
</tr>
</tbody>
</table>

(b) **Planning and Design.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and...
engineering services and construction design activities
with respect to the construction or improvement of family
housing units in an amount not to exceed $2,618,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2016, for military con-
struction, land acquisition, and military family housing
functions of the Department of the Army as specified in
the funding table in section 4601.

(b) Limitation on Total Cost of Construction
Projects.—Notwithstanding the cost variations author-
ized by section 2853 of title 10, United States Code, and
any other cost variation authorized by law, the total cost
of all projects carried out under section 2101 may not ex-
ceed the total amount authorized to be appropriated under
subsection (a), as specified in the funding table in section
4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT
CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table
in section 2101(a) of the Military Construction Authoriza-
tion Act for Fiscal Year 2014 (division B of Public Law
113–66; 127 Stat. 986) for Joint Base Lewis-McChord,
Washington, for construction of an aircraft maintenance
hangar at the installation, the Secretary of the Army may
construct an aircraft washing apron.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN
FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
Year 2013 (division B of Public Law 112-239; 126 Stat.
2118), the authorizations set forth in the table in sub-
section (b), as provided in section 2101 of that Act (126
Stat. 2119) and extended by section 2107 of the Military
Construction Authorization Act for Fiscal Year 2016 (di-
vision B of Public Law 114–92; 129 Stat. 1148), shall
remain in effect until October 1, 2017, or the date of the
enactment of an Act authorizing funds for military con-
struction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a)
is as follows:

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>Unmanned Aerial Vehicle Complex</td>
<td>$12,200,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>Secure Admin/Operations Facility</td>
<td>$172,200,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Camp Ederle</td>
<td>Barracks</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Sagami</td>
<td>Vehicle Maintenance Shop</td>
<td>$18,000,000</td>
</tr>
</tbody>
</table>
SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (127 Stat. 986) shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Fort Detrick</td>
<td>Entry Control Point</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>Kwajalein Atoll</td>
<td>Kwajalein</td>
<td>Pier</td>
<td>$63,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kyotango City</td>
<td>Company Operations Complex</td>
<td>$33,000,000</td>
</tr>
</tbody>
</table>

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in
the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$48,355,000</td>
</tr>
<tr>
<td>California</td>
<td>Coronado</td>
<td>$104,501,000</td>
</tr>
<tr>
<td></td>
<td>Lemoore</td>
<td>$26,723,000</td>
</tr>
<tr>
<td></td>
<td>Miramar</td>
<td>$193,600,000</td>
</tr>
<tr>
<td></td>
<td>Seal Beach</td>
<td>$21,007,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$20,489,000</td>
</tr>
<tr>
<td></td>
<td>Mayport</td>
<td>$66,000,000</td>
</tr>
<tr>
<td></td>
<td>Pensacola</td>
<td>$53,000,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$89,185,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Barking Sands</td>
<td>$43,384,000</td>
</tr>
<tr>
<td></td>
<td>Kaneohe Bay</td>
<td>$72,565,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Kittery</td>
<td>$47,892,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Patuxent River</td>
<td>$40,576,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon</td>
<td>$13,523,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$18,482,000</td>
</tr>
<tr>
<td></td>
<td>Cherry Point Marine Corps Air Station</td>
<td>$12,515,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Beaufort</td>
<td>$83,490,000</td>
</tr>
<tr>
<td></td>
<td>Parris Island</td>
<td>$29,882,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Bangor</td>
<td>$113,415,000</td>
</tr>
<tr>
<td></td>
<td>Bremerton</td>
<td>$6,704,000</td>
</tr>
<tr>
<td></td>
<td>Whidbey Island</td>
<td>$75,976,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:
Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$26,489,000</td>
</tr>
<tr>
<td></td>
<td>Sasebo</td>
<td>$16,420,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$23,607,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td>$41,380,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariana Islands</td>
<td>Guam</td>
<td>Replace Andersen Housing PH 1</td>
<td>$78,815,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,149,000.
SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $11,047,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.
SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 989) for Pearl City, Hawaii, for construction of a water transmission line at that location, the Secretary of the Navy may construct a 591-meter (1,940-foot) long 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (126 Stat. 2122) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1151), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:
## Navy: Extension of 2013 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>Comm. Information Systems Ops Complex</td>
<td>$78,897,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>Intermodal Access Road</td>
<td>$4,630,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Beaufort</td>
<td>Recycling/Hazardous Waste Facility</td>
<td>$3,743,000</td>
</tr>
<tr>
<td>Worldwide</td>
<td>Various Worldwide</td>
<td>BAMS Operational Facilities</td>
<td>$34,048,000</td>
</tr>
</tbody>
</table>

### SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127 Stat. 989), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Kaneohe Bay</td>
<td>Aircraft Maintenance Hangar Upgrades</td>
<td>$31,820,000</td>
</tr>
<tr>
<td></td>
<td>Pearl City</td>
<td>Water Transmission Line</td>
<td>$30,100,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Bangor</td>
<td>NCTAMS VLF Commercial Power Connection</td>
<td>$13,800,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Fallon</td>
<td>Wastewater Treatment Plant</td>
<td>$11,334,000</td>
</tr>
</tbody>
</table>
Navy: Extension of 2014 Project Authorizations—Continued

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Quantico</td>
<td>Academic Instruction</td>
<td>$25,731,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Facility TECOM Schools</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Quantico</td>
<td>Fuller Road Improvements</td>
<td>$9,013,000</td>
</tr>
</tbody>
</table>

SEC. 2208. STATUS OF “NET NEGATIVE” POLICY REGARDING NAVY ACREAGE ON GUAM.

(a) REPORT ON STATUS.—

(1) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Navy shall submit a report to the congressional defense committees regarding the status of the implementation of the “net negative” policy regarding the total number of acres of the real property controlled by the Department of the Navy on Guam, as described in subsection (b).

(2) CONTENTS.—The report required under paragraph (1) shall include the following information:

(A) A description of the real property controlled by the Navy on Guam which the Navy has transferred to the control of Guam after January 20, 2011, or which the Navy plans to transfer to the control of Guam, as well as a description of the specific legal authority under
which the Navy has transferred or will transfer each such property.

(B) The methodology and process the Navy will use to determine the total number of acres of real property that the Navy will transfer or has transferred to the control of Guam as part of the “net negative” policy, and the date on which the Navy will transfer or has transferred control of any such property.

(C) A description of the real property controlled by the Navy on Guam which the Navy plans to retain under its control and the reasons for retaining such property, including a detailed explanation of the reasons for retaining any such property which has not been developed or for which no development has been proposed under the current installation master plans for major military installations (as described in section 2864 of title 10, United States Code).

(3) Exclusion of certain property.—In preparing and submitting the report under this subsection, the Secretary may not take into account any real property which has been identified prior to January 20, 2011, as property to be transferred to the Government of Guam under the Guam Excess
Lands Act (Public Law 103–339) or the Guam Land Use Plan (GLUP) 1977, or pursuant to base realignment and closure authorized under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), whether or not the Navy transferred control of any such property to Guam at any time.

(b) POLICY DESCRIBED.—The “net negative” policy described in this section is the policy of the Secretary of the Navy, as expressed in the statement released by Under Secretary of the Navy on January 20, 2011, that the relocation of Marines to Guam occurring during 2011 will not cause the total number of acres of real property controlled by the Navy on Guam upon the completion of such relocation to exceed the total number of acres of real property controlled by the Navy on Guam prior to such relocation.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in
the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear Air Force Station</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Eielson Air Force Base</td>
<td>$213,300,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Elmendorf-Richmond</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Luke Air Force Base</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$39,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$88,600,000</td>
</tr>
<tr>
<td></td>
<td>Patrick Air Force Base</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>$30,900,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Joint Region Marianas</td>
<td>$80,658,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>$19,800,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Joint Base Andrews</td>
<td>$66,500,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>$30,965,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$10,600,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Holloman Air Force Base</td>
<td>$10,600,000</td>
</tr>
<tr>
<td></td>
<td>Kirtland Air Force Base</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$12,600,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$11,600,000</td>
</tr>
<tr>
<td></td>
<td>Tinker Air Force Base</td>
<td>$43,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Joint Base Charleston</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$67,300,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$44,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Base Langley-Eustis</td>
<td>$59,200,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F.E. Warren Air Force Base</td>
<td>$5,550,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out mili-
tary construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

**Air Force: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Darwin</td>
<td>$30,400,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$13,437,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$43,465,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$19,815,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base</td>
<td>$32,020,000</td>
</tr>
<tr>
<td>Mariana Islands</td>
<td>Unspecified Location</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>$13,449,000</td>
</tr>
<tr>
<td>United Arab Emirates</td>
<td>Al Dhafra</td>
<td>$55,400,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Croughton RAF</td>
<td>$16,500,000</td>
</tr>
</tbody>
</table>

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,368,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the
Air Force may improve existing military family housing units in an amount not to exceed $56,984,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1152) for Malmstrom Air Force Base, Montana, for construction of a Tactical Response Force
Alert Facility at the installation, the Secretary of the Air Force may construct an emergency power generator system consistent with the Air Force’s construction guidelines.

SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (126 Stat. 2126) and extended by section 2309 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1155), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portugal</td>
<td>Lajes Field</td>
<td>Sanitary Sewer Lift/Pump Station</td>
<td>$2,000,000</td>
</tr>
</tbody>
</table>
SEC. 2307. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2014 PROJECT.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorization set forth in the table in subsection (b), as provided in section 2301 of that Act (127 Stat. 992), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) Table.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2014 Project Authorizations

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worldwide Unspecified (Italy).</td>
<td>Aviano Air Base .........</td>
<td>Guardian Angel Operations Facility ...</td>
<td>$22,047,000</td>
</tr>
</tbody>
</table>

SEC. 2308. RESTRICTION ON ACQUISITION OF PROPERTY IN NORTHERN MARIANA ISLANDS.

The Secretary of the Air Force may not use any of the amounts authorized to be appropriated under section 2304 to acquire property or interests in property at an unspecified location in the Commonwealth of the Northern Mariana Islands, as specified in the funding table set forth in section 2301(b) and the funding table in section 4601, until the congressional defense committees have received
from the Secretary a report providing the following information:

(1) The specific location of the property or interest in property to be acquired.

(2) The total cost, scope, and location of the military construction projects and the acquisition of property or interests in property required to support the Secretary’s proposed divert activities and exercises in the Commonwealth of the Northern Mariana Islands.

(3) An analysis of any alternative locations that the Secretary considered acquiring, including other locations or interests within the Commonwealth of the Northern Mariana Islands or the Freely Associated States. For purposes of this paragraph, the term “Freely Associated States” means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropria-
tions in section 2403(a) and available for military con-
struction projects inside the United States as specified in
the funding table in section 4601, the Secretary of De-
fense may acquire real property and carry out military
construction projects for the installations or locations in-
side the United States, and in the amounts, set forth in
the following table:

### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear Air Force Station</td>
<td>$155,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Greely</td>
<td>$9,560,000</td>
</tr>
<tr>
<td></td>
<td>Joint Base Elmendorf-Richardson</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$4,493,000</td>
</tr>
<tr>
<td>California</td>
<td>Coronado</td>
<td>$175,412,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base</td>
<td>$26,500,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$44,115,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Patrick Air Force Base</td>
<td>$10,100,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$4,820,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gordon</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Portsmouth</td>
<td>$27,100,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Bethesda Naval Hospital</td>
<td>$510,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade</td>
<td>$38,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$31,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$86,593,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Joint Base Charleston</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Red River Army Depot</td>
<td>$4,700,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>$91,910,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Pentagon</td>
<td>$20,216,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropri-
tions in section 2403(a) and available for military con-
struction projects outside the United States as specified
in the funding table in section 4601, the Secretary of De-
fense may acquire real property and carry out military
construction projects for the installations or locations out-
side the United States, and in the amounts, set forth in
the following table:
SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount set forth in the table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>$8,400,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base San Diego</td>
<td>$4,230,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hunter Liggett</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$5,000,000</td>
</tr>
<tr>
<td></td>
<td>Schriever Air Force Base</td>
<td>$2,325,000</td>
</tr>
<tr>
<td>Florida</td>
<td>SUBASE Kings Bay NAS Jacksonville</td>
<td>$3,230,000</td>
</tr>
<tr>
<td>Guam</td>
<td>NAVBASE Guam</td>
<td>$8,540,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>NSAH Wahiawa Kuni Oahu</td>
<td>$14,890,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright Patterson Air Force Base</td>
<td>$14,400,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Dugway Proving Ground</td>
<td>$8,700,000</td>
</tr>
<tr>
<td></td>
<td>Tooele Army Depot</td>
<td>$8,200,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>$28,088,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects outside the United States as specified in the table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diego Garcia</td>
<td>Diego Garcia</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Kaiserslautern</td>
<td>$45,221,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$161,224,000</td>
</tr>
<tr>
<td></td>
<td>Yokota Air Base</td>
<td>$113,731,000</td>
</tr>
<tr>
<td>Kwajalein</td>
<td>Kwajalein Atoll</td>
<td>$85,500,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Croughton</td>
<td>$71,424,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force Lakenheath</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Wake Island</td>
<td>Wake Island</td>
<td>$11,670,000</td>
</tr>
</tbody>
</table>
1 funding table in section 4601, the Secretary of Defense
2 may carry out energy conservation projects under chapter
3 173 of title 10, United States Code, for the installations
4 or locations outside the United States, and in the
5 amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>Guantanamo Bay</td>
<td>$6,080,000</td>
</tr>
<tr>
<td>Diego Garcia</td>
<td>NSF Diego Garcia</td>
<td>$17,010,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Kadena Air Base</td>
<td>$4,007,000</td>
</tr>
<tr>
<td></td>
<td>Misawa Air Base</td>
<td>$5,315,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$3,710,000</td>
</tr>
<tr>
<td>Various Locations</td>
<td>Various Locations</td>
<td>$2,705,000</td>
</tr>
</tbody>
</table>

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-
FENSE AGENCIES.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2016, for military con-
struction, land acquisition, and military family housing
functions of the Department of Defense (other than the
military departments), as specified in the funding table
in section 4601.

(b) Limitation on Total Cost of Construction
Projects.—Notwithstanding the cost variations author-
ized by section 2853 of title 10, United States Code, and
any other cost variation authorized by law, the total cost
of all projects carried out under section 2401 of this Act
may not exceed the total amount authorized to be appro-
priated under subsection (a), as specified in the funding
table in section 4601.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT
CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization in the table in section
2401(b) of the Military Construction Authorization Act
for Fiscal Year 2014 (division B of Public Law 113–66;
127 Stat. 996), for Royal Air Force Lakenheath, United
Kingdom, for construction of a high school, the Secretary
of Defense may construct a combined middle/high school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN
FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
Year 2013 (division B of Public Law 112–239; 126 Stat.
2118), the authorizations set forth in the table in sub-
section (b), as provided in section 2401 of that Act (126
Stat. 2127), as amended by section 2406(a) of the Mili-
(division B of Public Law 114–92; 129 Stat. 1160), shall
remain in effect until October 1, 2017, or the date of the
enactment of an Act authorizing funds for military con-
struction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a)
is as follows:
Defense Agencies: Extension of 2013 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Camp Zama</td>
<td>Renovate Zama High School</td>
<td>$13,273,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>New Cumberland</td>
<td>Replace Reservoir</td>
<td>$4,300,000</td>
</tr>
</tbody>
</table>

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127 Stat. 995), shall remain in effect until October 1, 2017 or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Brawley</td>
<td>SOF Desert Warfare Training Center</td>
<td>$23,095,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Kaiserslautern</td>
<td>Replace Kaiserslautern Elementary School</td>
<td>$49,907,000</td>
</tr>
<tr>
<td></td>
<td>Ramstein Air Base</td>
<td>Replace Ramstein High School</td>
<td>$98,762,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam.</td>
<td>DISA Pacific Facility Upgrade</td>
<td>$2,615,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>Replace Hanscom Primary School</td>
<td>$36,213,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>RAF Lakenheath</td>
<td>Replace Lakenheath High School</td>
<td>$69,638,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>MCB Quantico</td>
<td>Replace Quantico Middle/High School</td>
<td>$40,586,000</td>
</tr>
<tr>
<td></td>
<td>Pentagon</td>
<td>PFPA Support Operations Center</td>
<td>$14,800,000</td>
</tr>
</tbody>
</table>

May 3, 2016 (4:48 p.m.)
Defense Agencies: Extension of 2014 Project Authorizations—Continued

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pentagon</td>
<td>Raven Rock Administrative Facility Upgrade</td>
<td>$32,000,000</td>
<td></td>
</tr>
<tr>
<td>Pentagon</td>
<td>Boundary Channel Access Control Point</td>
<td>$6,700,000</td>
<td></td>
</tr>
</tbody>
</table>

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization.
TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES
Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$16,500,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hilo</td>
<td>$31,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Davenport</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Leavenworth</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Hooksett</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Ardmore</td>
<td>$8,900,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Fort Indiantown Gap</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>York</td>
<td></td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>East Greenwich</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Camp Williams</td>
<td>$37,000,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Camp Guernsey</td>
<td>$31,000,000</td>
</tr>
<tr>
<td></td>
<td>Laramie</td>
<td>$21,000,000</td>
</tr>
</tbody>
</table>
SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Phoenix</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Barstow</td>
<td>$29,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Parks</td>
<td>$19,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hunter Liggett</td>
<td>$21,500,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Dublin</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$27,500,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$11,400,000</td>
</tr>
</tbody>
</table>

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:
861

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana</td>
<td>New Orleans</td>
<td>$11,207,000</td>
</tr>
<tr>
<td>New York</td>
<td>Brooklyn</td>
<td>$1,964,000</td>
</tr>
<tr>
<td></td>
<td>Syracuse</td>
<td>$13,229,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Galveston</td>
<td>$8,414,000</td>
</tr>
</tbody>
</table>

1 SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>Bradley IAP</td>
<td>$6,300,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville IAP</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Sioux Gateway Airport</td>
<td>$12,600,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Joint Base Andrews</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Duluth IAP</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Pease International Trade Port</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Charlotte/Douglas IAP</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Toledo Express Airport</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>McEntire ANGS</td>
<td>$8,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Ellington Field</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>Burlington IAP</td>
<td>$4,500,000</td>
</tr>
</tbody>
</table>

11 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the fund-
ing table in section 4601, the Secretary of the Air Force
may acquire real property and carry out military construc-
tion projects for the Air Force Reserve locations inside
the United States, and in the amounts, set forth in the
following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Anderson Air Force Base</td>
<td>$5,200,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Westover Air Reserve Base</td>
<td>$9,200,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>$97,950,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Pittsburgh IAP</td>
<td>$85,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$3,050,000</td>
</tr>
</tbody>
</table>

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-
TIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for
fiscal years beginning after September 30, 2016, for the
costs of acquisition, architectural and engineering services,
and construction of facilities for the Guard and Reserve
Forces, and for contributions therefor, under chapter
1803 of title 10, United States Code (including the cost
of acquisition of land for those facilities), as specified in
the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT
CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table
in section 2602 of the Military Construction Authorization
Act for Fiscal Year 2014 (division B of Public Law 113–
SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2603 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for construction of a Reserve Training Center at that location, the Secretary of the Navy may acquire approximately 8.5 acres (370,260 square feet) of adjacent land, obtain necessary interest in land, and construct road improvements and associated supporting facilities to provide required access to the Reserve Training Center.

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1163) for MacDill Air Force Base, Florida, for construction of an Army Reserve Center/Aviation Support Facility at that location, the Secretary of the Army may relocate and construct replacement skeet and grenade...
launcher ranges necessary to clear the site for the new
Army Reserve facilities.

SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN
FISCAL YEAR 2013 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
Year 2013 (division B of Public Law 112-239; 126 Stat.
2118), the authorizations set forth in the table in sub-
section (b), as provided in section 2603 of that Act (126
Stat. 2135) and extended by section 2614 of the Military
Construction Authorization Act for Fiscal Year 2016 (di-
vision B of Public Law 114-92; 129 Stat. 1166), shall re-
main in effect until October 1, 2017, or the date of the
enactment of an Act authorizing funds for military con-
struction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a)
is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>Fort Des Moines</td>
<td>Joint Reserve Center</td>
<td>$19,162,000</td>
</tr>
</tbody>
</table>

SEC. 2615. EXTENSION OF AUTHORIZATIONS OF CERTAIN
FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of
the Military Construction Authorization Act for Fiscal
Year 2014 (division B of Public Law 113-66; 127 Stat.
985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2603, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Parks</td>
<td>Army Reserve Center</td>
<td>$17,500,000</td>
</tr>
<tr>
<td></td>
<td>March Air Force</td>
<td>NOSC Moreno Valley</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Base</td>
<td>Reserve Training Center</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>Homestead ARB</td>
<td>Entry Control Complex</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>175th Network Warfare Squadron Facility</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>Martin State Airport</td>
<td>Cyber/ISR Facility</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Bullville</td>
<td>Army Reserve Center</td>
<td>$14,500,000</td>
</tr>
</tbody>
</table>

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for base realignment and closure activities, including real property
acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round. Nothing in the previous sentence shall be construed to affect the authority of the Secretary of Defense to comply with any requirement under law, or with any request of a congressional defense committee, to conduct an analysis, study, or report of the infrastructure needs of the Department of Defense, including the infrastructure inventory required to be prepared under section 2815(a)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1175).
TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing

SEC. 2801. MODIFICATION OF CRITERIA FOR TREATMENT OF LABORATORY REVITALIZATION PROJECTS AS MINOR MILITARY CONSTRUCTION PROJECTS.

(a) Increase in Threshold.—Section 2805(d) of title 10, United States Code, is amended by striking “$4,000,000” each place it appears in paragraph (1)(A), (1)(B), and (2) and inserting “$6,000,000”.

(b) Notice Requirements.—Section 2805(d) of such title is amended—

(1) by striking the second sentence of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

“(3) If the Secretary concerned makes a decision to carry out an unspecified minor military construction project to which this subsection applies, the Secretary concerned shall notify in writing the appropriate committees of Congress of that decision, of the justification for the
project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.’’.

(c) REPEAL OF SUNSET.—Section 2805(d) of such title is amended by striking paragraph (5).

SEC. 2802. CLASSIFICATION OF FACILITY CONVERSION PROJECTS AS REPAIR PROJECTS.

Subsection (e) of section 2811 of title 10, United States Code, is amended to read as follows:

“(e) REPAIR PROJECT DEFINED.—In this section, the term ‘repair project’ means a project—

“(1) to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose; or

“(2) to convert a real property facility, system, or component to a new functional purpose without increasing its external dimensions.”.
SEC. 2803. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.


(1) in paragraph (1), by striking “December 31, 2016” and inserting “December 31, 2017”; and

(2) in paragraph (2), by striking “fiscal year 2017” and inserting “fiscal year 2018”.

(b) Limitation on Use of Authority.—Subsection (c)(1) of such section is amended—

(1) by striking “October 1, 2015” and inserting “October 1, 2016”;

(2) by striking “December 31, 2016” and inserting “December 31, 2017”; and

(3) by striking “fiscal year 2017” and inserting “fiscal year 2018”.


SEC. 2804. EXTENSION OF TEMPORARY AUTHORITY FOR
ACCEPTANCE AND USE OF CONTRIBUTIONS
FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY
BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.


SEC. 2805. NOTICE AND REPORTING REQUIREMENTS FOR
ENERGY CONSERVATION CONSTRUCTION PROJECTS.

(a) CONTENTS OF NOTIFICATIONS.—

(1) CONTENTS.—Section 2914(b) of title 10, United States Code, is amended by striking the period at the end of the first sentence and inserting the following: “, and shall include in the notification the justification and current cost estimate for the project, the expected savings to investment ratio and simple payback estimates, and the project’s measurement and validation plan and costs.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to notification
tions provided during fiscal year 2017 or any succe-
ceeding fiscal year.

(b) ANNUAL REPORT.—Section 2914 of such title is
amended by adding at the end the following new sub-
section:

“(c) ANNUAL REPORT.—Not later than 90 days after
the end of each fiscal year (beginning with fiscal year
2017), the Secretary of Defense shall submit to the appro-
priate committees of Congress a report on the status of
the projects carried out under this section (including com-
pleted projects), and shall include in the report with re-
spect to each such project the following information:

“(1) The title, location, and a brief description
of the scope of work.

“(2) The original cost estimate and expected
savings to investment ratio and simple payback esti-
mates, and the original measurement and validation
plan and costs.

“(3) The most recent cost estimate and ex-
pected savings to investment ratio and simple pay-
back estimates, and the most recent version of the
measurement and validation plan and costs.

“(4) Such other information as the Secretary
considers appropriate.”.
SEC. 2806. ADDITIONAL ENTITIES ELIGIBLE FOR PARTICIPATION IN DEFENSE LABORATORY MODERNIZATION PILOT PROGRAM.

Section 2803(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169; 10 U.S.C. 2358 note) is amended by adding by adding at the end the following:

“(4) A Department of Defense research, development, test, and evaluation facility that is not designated as a Science and Technology Reinvention Laboratory, but nonetheless is involved with developmental test and evaluation.”.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CONGRESSIONAL NOTIFICATION FOR IN-KIND CONTRIBUTIONS FOR OVERSEAS MILITARY CONSTRUCTION PROJECTS.

(a) Notification Requirement.—Subsection (f) of section 2687a of title 10, United States Code, is amended to read as follows:

“(f) Congressional Oversight of Payment In-kind and In-kind Contributions for Overseas Projects.—(1) In the event the Secretary of Defense accepts a military construction project to be built for Department of Defense personnel outside the United States as a payment-in-kind or an in-kind contribution required
by a bilateral agreement with a host country, the Secretary of Defense shall submit to the congressional defense committees a written notification at least 30 days before the initiation date for any such military construction project.

“(2) A notification under paragraph (1) with respect to a proposed military construction project shall include the following:

“(A) The requirements for, and purpose and description of, the proposed project.

“(B) The cost of the proposed project.

“(C) The scope of the proposed project.

“(D) The schedule for the proposed project.

“(E) Such other details as the Secretary considers relevant.”.

(b) Conforming Amendment.—Section 2802 of such title is amended by striking subsection (d).

(c) Repeal.—Section 2803 of the Carl Levin and Howard “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3696) is repealed, and the provisions of law amended by subsections (a) and (b) of that section shall be restored as if such section had not been enacted into law.
SEC. 2812. PROHIBITION ON USE OF MILITARY INSTALLATIONS TO HOUSE UNACCOMPANIED ALIEN CHILDREN.

(a) PROHIBITION.—A military installation may not be used to house any unaccompanied alien child.

(b) DEFINITIONS.—In this section:

(1) The term “military installation” has the meaning given that term in section 2801(c)(4) of title 10, United States Code, but does not include an installation located outside of the United States.

(2) The term “unaccompanied alien child” has the meaning given such term in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)).

SEC. 2813. ALLOTMENT OF SPACE AND PROVISION OF SERVICES TO WIC OFFICES OPERATING ON MILITARY INSTALLATIONS.

(a) ALLOTMENT OF SPACE AND PROVISION OF SERVICES AUTHORIZED.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2566 the following new section:

“§ 2567. Space and services: provision to WIC offices

“(a) ALLOTMENT OF SPACE AND PROVISION OF SERVICES AUTHORIZED.—Upon application by a WIC office, the Secretary of a military department may allot space on a military installation under the jurisdiction of
the Secretary to the WIC office without charge for rent
or services if the Secretary determines that—

“(1) the WIC office provides or will provide
services solely to members of the armed forces as-
signed to the installation, civilian employees of the
Department of Defense employed at the installation,
or dependents of such members or employees;

“(2) space is available on the installation;

“(3) operation of the WIC office will not hinder
military mission requirements; and

“(4) the security situation at the installation
permits the presence of a non-Federal entity on the
installation.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘services’ includes the provision
of lighting, heating, cooling, and electricity.

“(2) The term ‘WIC office’ means a local agen-
cy (as defined in subsection (b)(6) of section 17 of
the Child Nutrition Act of 1966 (42 U.S.C. 1786))
that participates in the special supplemental nutri-
tion program for women, infants, and children under
such section.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of chapter 152 of title 10, United States
Code, is amended by inserting after the item relating to section 2566 the following new item:

“2567. Space and services: provision to WIC offices”.

SEC. 2814. SENSE OF CONGRESS REGARDING NEED TO CONSULT WITH STATE AND LOCAL OFFICIALS PRIOR TO ACQUISITIONS OF REAL PROPERTY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, prior to acquiring real property in a State for use of the Department of Defense (including through purchase, lease, or any other arrangement), the Secretary of Defense or the Secretary of the military department concerned should consult with the chief executive of the State and representatives of units of local government with jurisdiction over the property, with the goal of resolving potential conflicts regarding the use of the property before such conflicts arise.

(b) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.
SEC. 2815. SENSE OF CONGRESS REGARDING INCLUSION OF STORMWATER SYSTEMS AND COMPONENTS WITHIN THE MEANING OF "WASTEWATER SYSTEM" UNDER THE DEPARTMENT OF DEFENSE AUTHORITY FOR CONVEYANCE OF UTILITY SYSTEMS.

It is the sense of Congress that the reference to a system for the collection or treatment of wastewater in the definition of "utility system" in section 2688 of title 10, United States Code, which authorizes the Department of Defense to convey utility systems, includes stormwater systems and components.

SEC. 2816. ASSESSMENT OF PUBLIC SCHOOLS ON DEPARTMENT OF DEFENSE INSTALLATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes an update of the July 2011 assessment on the condition and capacity of elementary and secondary public schools on military installations, including consideration for—

(1) schools that have had changes in their condition or capacity since the original assessment; and

(2) schools that may have been inadvertently omitted from the original assessment.
Subtitle C—Provision Related to Asia-Pacific Military Realignment

SEC. 2821. LIMITED EXCEPTIONS TO RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.

(a) REVISION.—Notwithstanding section 2821(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3701), the Secretary of Defense may proceed with a public infrastructure project on Guam which is described in subsection (b) if—

(1) the project was identified in the report prepared by the Secretary of Defense under section 2822(d)(2) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1017); and

(2) amounts have been appropriated or made available to be expended by the Department of Defense for the project.

(b) PROJECTS DESCRIBED.—A project described in this subsection is any of the following:

(1) A project intended to improve water and wastewater systems.
(2) A project intended to improve curation of archeological and cultural artifacts.

(3) A project intended to improve the control and containment of public health threats.

(c) REPEAL OF SUPERSEDED LAW.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1177) is repealed.

Subtitle D—Land Conveyances

SEC. 2831. LAND CONVEYANCES, HIGH FREQUENCY ACTIVE AURORAL RESEARCH PROGRAM FACILITY AND ADJACENT PROPERTY, GAKONA, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) CONVEYANCE TO UNIVERSITY OF ALASKA.—The Secretary of the Air Force may convey to the University of Alaska (in this section referred to as the “University”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1,158 acres near the Gulkana Village, Alaska, which were purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989, contain a High Frequency Active Auroral Research Program facility, and comprise a portion of
the property more particularly described in subsection (b), for the purpose of permitting the University to use the conveyed property for public purposes.

(2) CONVEYANCE TO ALASKA NATIVE CORPORATION.—The Secretary of the Air Force may convey to the Ahtna, Incorporated, (in this section referred to as “Ahtna”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4,259 acres near Gulkana Village, Alaska, which were purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989 and comprise the portion of the property more particularly described in subsection (b) that does not contain the High Frequency Active Auroral Research Program facility. The property to be conveyed under this paragraph does not include any of the property authorized for conveyance to the University under paragraph (1).

(b) PROPERTY DESCRIBED.—Subject to the property exclusions specified in subsection (c), the real property authorized for conveyance under subsection (a) consists of portions of sections within township 7 north, range 1 east; township 7 north, range 2 east; township 8 north, range
1 east; and township 8 north, range 2 east; Copper River Meridian, Chitina Recording District, Third Judicial District, State of Alaska, as follows:

(1) Township 7 north, range 1 east:
   (A) Section 1.
   (B) E¹⁄₂, S¹⁄₂NW¹⁄₄, SW¹⁄₄ of section 2.
   (C) S¹⁄₂SE¹⁄₄, NE¹⁄₄SE¹⁄₄ of section 3.
   (D) E¹⁄₂ of section 10.
   (E) Sections 11 and 12.
   (F) That portion of N¹⁄₂, N¹⁄₂S¹⁄₂ of section 13, excluding all lands lying southerly and easterly of the Glenn Highway right-of-way.
   (G) N¹⁄₂, N¹⁄₂S¹⁄₂ of section 14.
   (H) NE¹⁄₄, NE¹⁄₄SE¹⁄₄ of section 15.

(2) Township 7 north, range 2 east:
   (A) W¹⁄₂ of section 6.
   (B) NW¹⁄₄ of section 7, and the portion of N¹⁄₂SW¹⁄₄ and NW¹⁄₄SE¹⁄₄ of such section lying northerly of the Glenn Highway right-of-way.

(3) Township 8 north, range 1 east:
   (A) SE¹⁄₄SE¹⁄₄ of section 35.
   (B) E¹⁄₂, SW¹⁄₄, SE¹⁄₄NW¹⁄₄ of section 36.

(4) Township 8 north, range 2 east:
(A) \( W^{1/2} \) of section 31.

(e) Exclusion of Certain Property.—The real property authorized for conveyance under subsection (a) may not include the following:

1. Public easements reserved pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)), as described in the Warranty Deed from Ahtna, Incorporated, to the United States, dated March 1, 1990, recorded in Book 31, pages 665 through 668 in the Chitina Recording District, Third Judicial District, Alaska.

2. Easement for an existing trail as described in the such Warranty Deed from Ahtna, Incorporated, to the United States.

3. The subsurface estate.

(d) Consideration.—

1. Conveyance to University.—As consideration for the conveyance of property under subsection (a)(1), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary of the Air Force, whether in the form of cash payment, in-kind consideration, or a combination thereof.

2. Conveyance to Ahtna.—As consideration for the conveyance of property under subsection
(a)(2), Ahtna shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, a land exchange under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq), or a combination thereof.

(3) **TREATMENT OF CASH CONSIDERATION RECEIVED.**—Any cash payment received by the Secretary as consideration for a conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) **REVERSIONARY INTEREST.**—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a)(1) is not being used by the University in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the land, including any improvements thereto, shall revert, at the option of the Secretary, to and become the property of the United States, and the United States shall have the right of immediate entry onto such land. A determination by the Secretary under this sub-
section shall be made on the record after an opportunity for a hearing.

(f) **Payment of Costs of Conveyance.**

(1) **Payment Required.**—The Secretary of the Air Force shall require the recipient of real property under this section to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance of that property, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the recipient.

(2) **Treatment of Amounts Received.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under this section shall be credited and made available to the Secretary as provided in section 2695(e) of title 10, United States Code.
(g) CONVEYANCE AGREEMENT.—The conveyance of property under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force and the recipient of the property, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, CAMPION AIR FORCE RADAR STATION, GALENA, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Galena, Alaska (in this section referred to as the “Town”), all right, title, and interest of the United States in and to public land, including improvements thereon, at the former Campion Air Force Station, Alaska, as further described in subsection (b), for the purpose of permitting the Town to use the conveyed property for public purposes. The conveyance under this subsection is subject to valid existing rights.

(b) DESCRIPTION OF PROPERTY.—The land to be conveyed under subsection (a) consists of up to approximately 1,300 acres of the remaining land withdrawn under Public Land Order No. 843 of June 24, 1952, and Public Land Order No. 1405 of April 4, 1957, for use by the
Secretary of the Air Force as the former Campion Air Force Station. The portions of the former Air Force Station that are not authorized to be conveyed under subsection (a) are those portions that are subject to environmental land use restrictions or are currently undergoing environmental remediation by the Secretary of the Air Force.

(c) Map and Legal Description.—As soon as practicable after the date of enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Interior, shall finalize a map and the legal description of the land to be conveyed under subsection (a). The Secretary of the Air Force may correct any minor errors in the map or the legal description. The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) Reversionary Interest.—If the Secretary of the Air Force determines at any time that the land conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the land, including any improvements thereto, shall revert, at the option of the Secretary, to and become the property of the United States, and the United States shall have the
right of immediate entry onto such land. A determination
by the Secretary under this subsection shall be made on
the record after an opportunity for a hearing.

(e) Conveyance Agreement.—The conveyance of
land under this section shall be accomplished using a quit
claim deed or other legal instrument and upon terms and
conditions mutually satisfactory to the Secretary of the
Air Force, after consulting with the Secretary of the Inte-
rior, and the Town, including such additional terms and
conditions as the Secretary of the Air Force, after con-
sulting with the Secretary of the Interior, considers appro-
perate to protect the interests of the United States.

(f) Payment of Costs of Conveyance.—

(1) Payment required.—The Secretary of
the Air Force shall require the Town to cover all
costs (except costs for environmental remediation of
the property) to be incurred by the Secretary of the
Air Force and by the Secretary of the Interior, or
to reimburse the appropriate Secretary for such
costs incurred by the Secretary, to carry out the
conveyance under this section, including survey
costs, costs for environmental documentation, and
any other administrative costs related to the convey-
ance. If amounts are collected in advance of the Sec-
retary incurring the actual costs, and the amount
collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the appropriate Secretary shall refund the excess amount to the Town.

(2) **Treatment of Amounts Received.**—

Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary of the Air Force or by the Secretary of the Interior to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the appropriate Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(g) **Supersedence of Public Land Orders.**—

Public Land Order Nos. 843 and 1405 are hereby superseded, but only insofar as the orders affect the lands conveyed to the Town under subsection (a).

**SEC. 2833. EXCHANGE OF PROPERTY INTERESTS, SAN DIEGO UNIFIED PORT DISTRICT, CALIFORNIA.**

(a) **Exchange of Property Interests Authorized.**—
(1) INTERESTS TO BE CONVEYED.—The Secretary of the Navy (hereafter referred to as the “Secretary”) may convey to the San Diego Unified Port District (hereafter referred to as the “District”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and, without limitation, any leasehold interests of the United States therein, consisting of approximately 0.33 acres and identified as Parcel No. 4 on District Drawing No. 018–107 (April 2013). This parcel contains 48 parking spaces central to the mission conducted on the site of the Navy’s leasehold interest at 1220 Pacific Highway, San Diego, California.

(2) INTERESTS TO BE ACQUIRED.—In exchange for the property interests described in paragraph (1), the Secretary may accept from the District property interests of equal value and similar utility, as determined by the Secretary, located within immediate proximity to the property described in paragraph (1), that provide the rights to an equivalent number of parking spaces of equal value (subject to subsection (c)(1)).

(b) ENCUMBRANCES.—
(1) **NO ACCEPTANCE OF PROPERTY WITH ENCUMBRANCES PRECLUDING USE AS PARKING SPACES.**—In an exchange of property interests under subsection (a), the Secretary may not accept any property under subsection (a)(2) unless the property is free of encumbrances that would preclude the Department of the Navy from using the property for parking spaces, as determined under paragraph (2).

(2) **DETERMINATION OF FREEDOM FROM ENCUMBRANCES.**—For purposes of paragraph (1), a property shall be considered to be free of encumbrances that would preclude the Department of the Navy from using the property for parking spaces if—

(A) the District guarantees and certifies that the property is free of such encumbrances under its own authority to preclude the use of the property for parking spaces; and

(B) the District obtains guarantees and certifications from appropriate entities of the State and units of local government that the property is free of any such encumbrances that may be in place pursuant to the Tidelands Trust, the North Embarcadero Visionary Plan,
the Downtown Community Plan, or any other law, regulation, plan or document.

(c) EQUALIZATION.—

(1) TRANSFER OF RIGHTS TO ADDITIONAL PARKING SPACES.—If the value of the property interests described in subsection (a)(1) is greater than the value of the property interests and rights to parking spaces described in subsection (a)(2), the values shall be equalized by the transfer to the Secretary of rights to additional parking spaces.

(2) NO AUTHORIZATION OF CASH EQUALIZATION PAYMENTS FROM SECRETARY.—If the value of the property interests and parking rights described in subsection (a)(2) are greater than the value of the property interests described in subsection (a)(1), the Secretary may not make a cash equalization payment to equalize the values.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the District to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the exchange of property interests under this section, including survey costs, costs related to environmental documentation, real estate due diligence such
as appraisals and any other administrative costs related to the exchange of property interests. If amounts are collected from the District in advance of the Secretary incurring the actual costs and the amount collected exceeds the costs actually incurred by the Secretary to carry out the exchange of property interests, the Secretary shall refund the excess amount to the District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the exchange of property interests. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property interests to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(f) CONVEYANCE AGREEMENT.—The exchange of property interests under this section shall be accomplished using a lease, lease amendment, or other legal instrument
and upon terms and conditions mutually satisfactory to
the Secretary and the District, including such additional
terms and conditions as the Secretary considers appro-
priate to protect the interests of the United States.

SEC. 2834. RELEASE OF PROPERTY INTERESTS RETAINED
IN CONNECTION WITH LAND CONVEYANCE,
EGLIN AIR FORCE BASE, FLORIDA.

(a) Release of Exceptions, Limitations, and
Conditions in Deeds.—With respect to approximately
126 acres of real property in Okaloosa County, Florida,
more particularly described in subsection (b), which were
conveyed by the United States to the Air Force Enlisted
Mens’ Widows and Dependents Home Foundation, Incor-
porated (“Air Force Enlisted Village”), the Secretary of
the Air Force may release any and all exceptions, limita-
tions, and conditions specified by the United States in the
deeds conveying such real property.

(b) Property Described.—The real property sub-
ject to subsection (a) was part of Eglin Air Force, Florida,
and consists of all parcels conveyed in exchange for fair
market value cash payment by the Air Force Enlisted Vil-
lage pursuant to section 809(c) of the Military Construc-
tion Authorization Act, 1979 (Public Law 95–356; 92
Stat. 587), as amended by section 2826 of the Military
Construction Authorization Act, 1989 (Public Law 100–
456; 102 Stat. 2123) and section 2861 of the Military
Construction Authorization Act for Fiscal Year 1999
(Public Law 105–261; 112 Stat. 2223).

(c) **Instrument of Release and Description of Property.**—The Secretary may execute and record in the
appropriate office a deed of release, amended deed, or
other appropriate instrument reflecting the release of ex-
ceptions, limitations, and conditions under subsection (a).

(d) **Payment of Administrative Costs.**—

(1) **Payment Required.**—The Secretary may
require the Air Force Enlisted Village to pay for any
costs to be incurred by the Secretary, or to reim-
burse the Secretary for costs incurred by the Sec-
retary, to carry out the release under subsection (a),
including survey costs, costs related to environ-
mental documentation, and other administrative
costs related to the release. If amounts paid to the
Secretary in advance exceed the costs actually in-
curred by the Secretary to carry out the release, the
Secretary shall refund the excess amount to the Air
Force Enlisted Village.

(2) **Treatment of Amounts Received.**—
Amounts received under paragraph (1) as reim-
bursement for costs incurred by the Secretary to
carry out the release under subsection (a) shall be
credited and made available to the Secretary as provided in section 2695(e) of title 10, United States Code.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the release of exceptions, limitations, and conditions under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 437 acres at Fort Hood, Texas, for the purpose of permitting the City to improve arterial transportation routes in the vicinity of Fort Hood and to promote economic development in the area of the City and Fort Hood.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary of the Army all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary. The fair market value of
the real property acquired by the Secretary under this sub-
section shall be at least equal to the fair market value
of the real property conveyed under subsection (a), as de-
termined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage
and legal description of the real property to be exchanged
under this section shall be determined by surveys satisfac-
tory to the Secretary of the Army.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of
the Army shall require the City to cover costs to be
incurred by the Secretary, or to reimburse the Sec-
etary for costs incurred by the Secretary, to carry
out the conveyances under this section, including
survey costs related to the conveyances. If amounts
are collected from the City in advance of the Sec-
etary incurring the actual costs, and the amount
collected exceeds the costs actually incurred by the
Secretary to carry out the conveyances, the Sec-
retary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—
Amounts received under paragraph (1) as reim-
bursement for costs incurred by the Secretary to
carry out the conveyances under this section shall be
credited to the fund or account that was used to
cover the costs incurred by the Secretary in carrying
out the conveyances. Amounts so credited shall be
merged with amounts in such fund or account and
shall be available for the same purposes, and subject
to the same conditions and limitations, as amounts
in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
retary of the Army may require such additional terms and
conditions in connection with the conveyances under this
section as the Secretary considers appropriate to protect
the interests of the United States.

SEC. 2836. LAND CONVEYANCE, P-36 WAREHOUSE, COLBERN
UNITED STATES ARMY RESERVE CENTER, LA-
REDO, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of
the Army (in this section referred to as the “Secretary”)
may convey, without consideration, to the Laredo Commu-
nity College (in this section referred to as the “LCC”)
all right, title, and interest of the United States in and
to the approximately 725 sq. ft. Historic Building, P-36
Warehouse, including any improvements thereon, at
Colbern United States Army Reserve Center, Laredo, TX,
for the purposes of educational use and historic preserva-
tion.

(b) PAYMENT OF COSTS OF CONVEYANCE.—
(1) PAYMENT REQUIRED.—The Secretary shall require the LCC to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the LCC in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the LCC.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under
subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) Reversionary Interest.—

(1) Reversion.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a), all right, title, and interest in and to such property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(2) Payment of Consideration in Lieu of Reversion.—In lieu of exercising the right of reversion retained under paragraph (1) with respect to the property conveyed under subsection (a), the Secretary may require the LCC to pay to the United States an amount equal to the fair market value of the property conveyed, as determined by the Secretary.

(3) Treatment of Cash Consideration.—Any cash payment received by the United States
under paragraph (2) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

SEC. 2837. LAND CONVEYANCE, ST. GEORGE NATIONAL GUARD ARMORY, ST. GEORGE, UTAH.

(a) LAND CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to a parcel of public land in St. George, Utah, comprising approximately 70 acres, as described in Public Land Order 6840 published in the Federal Register on March 29, 1991 (56 Fed. Reg. 13081),
and containing the St. George National Guard Armory for
the purpose of permitting the Utah National Guard to use
the conveyed land for military purposes.

(b) **Termination of Prior Administrative Action.**—The Public Land Order described in subsection
(a), which provided for a 20-year withdrawal of the public
land described in the Public Land Order, is withdrawn
upon conveyance of the land under this section.

c) **Description of Property.**—The exact acreage
and legal description of the property to be conveyed under
this section shall be determined by a survey satisfactory
to the Secretary of the Interior.

d) **Conveyance Agreement.**—The conveyance
under this section shall be accomplished using a quit claim
deed or other legal instrument and upon terms and condi-
tions mutually satisfactory to the Secretary of the Interior
and the State of Utah, including such additional terms
and conditions as the Secretary considers appropriate to
protect the interests of the United States.

**SEC. 2838. RELEASE OF RESTRICTIONS, RICHLAND INNOVA-
TION CENTER, RICHLAND, WASHINGTON.**

(a) **Release Authorized.**—The Secretary of
Transportation, acting through the Maritime Adminis-
trator and in consultation with the Administrator of Gen-
eral Services, may, upon receipt of full consideration as
provided in subsection (b), release all remaining right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Richland, Washington, consisting as of the date of the enactment of this Act of approximately 71.5 acres and containing personal and real property, to the Port of Benton (hereafter in this section referred to as the “Port”).

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the release under subsection (a), the Port shall provide an amount that is acceptable to the Secretary of Transportation, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, at such time as the Secretary may require. The Secretary may determine the level of acceptable consideration under this paragraph on the basis of the value of the restrictions released under subsection (a), but only if the value of such restrictions is determined without regard to any improvements made by the Port.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the Port under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combina-
tion thereof, of any facility or infrastructure under
the jurisdiction of any office of the Federal govern-
ment.

(3) Treatment of Consideration Received.—Consideration in the form of cash pay-
ment received by the Secretary under paragraph (1)
shall be deposited in the separate fund in the Treas-
ury described in section 572(a)(1) of title 40, United
States Code.

(c) Payment of Cost of Release.—

(1) Payment Required.—The Secretary of
Transportation shall require the Port to cover costs
to be incurred by the Secretary, or to reimburse the
Secretary for such costs incurred by the Secretary,
to carry out the release under subsection (a), includ-
ing survey costs, costs for environmental documenta-
tion related to the release, and any other administra-
tive costs related to the release. If amounts are col-
lected from the Port in advance of the Secretary in-
curring the actual costs, and the amount collected
exceeds the costs actually incurred by the Secretary
to carry out the release, the Secretary shall refund
the excess amount to the Port.

(2) Treatment of Amounts Received.—
Amounts received as reimbursement under para-
graph (1) shall be credited to the fund or account
that was used to cover the costs incurred by the Secre-
etary in carrying out the release under subsection
(a) or, if the period of availability of obligations for
that appropriation has expired, to the appropriations
of fund that is currently available to the Secretary
for the same purpose. Amounts so credited shall be
merged with amounts in such fund or account and
shall be available for the same purposes, and subject
to the same conditions and limitations, as amounts
in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage
and legal description of the real property which is the sub-
ject of the release under subsection (a) shall be determined
by a survey satisfactory to the Secretary of Transpor-
tation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The
Secretary of Transportation may require such additional
terms and conditions in connection with the release under
subsection (a) as the Secretary, in consultation with the
Administrator of General Services, considers appropriate
to protect the interests of the United States.
Subtitle E—Military Land
Withdrawals

SEC. 2841. BUREAU OF LAND MANAGEMENT WITHDRAWN MILITARY LANDS UNDER MILITARY LANDS WITHDRAWAL ACT OF 1999.

(a) Elimination of Termination Date and Authorization for Transfer of Administrative Jurisdiction.—Subsection (a) of section 3015 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 892) is amended to read as follows:

“(a) Permanent Withdrawal and Reservation; Effect of Transfer on Withdrawal.—The withdrawal and reservation of lands by section 3011 shall terminate only as follows:

“(1) Upon an election by the Secretary of the military department concerned to relinquish any or all of the land withdrawn and reserved by section 3011.

“(2) Upon a transfer by the Secretary of the Interior, under section 3016 and upon request by the Secretary of the military department concerned, of administrative jurisdiction over the land to the Secretary of the military department concerned. Such a transfer may consist of a portion of the land,
in which case the termination of the withdrawal and
reservation applies only with respect to the land so
transferred.”.

(b) TRANSFER PROCESS AND MANAGEMENT AND
USE OF LANDS.—The Military Lands Withdrawal Act of
1999 (title XXX of Public Law 106–65) is further amend-
ed—

(1) by redesignating sections 3022 and 3023 as
sections 3027 and 3028, respectively; and

(2) by striking sections 3016 through 3021 and
inserting the following new sections:

“SEC. 3016. TRANSFER PROCESS.

“(a) TRANSFER AUTHORIZED.—The Secretary of the
Interior shall, upon the request of the Secretary con-
cerned, transfer to the Secretary concerned administrative
jurisdiction over the land withdrawn and reserved by sec-
tion 3011, or a portion of the land as the Secretary con-
cerned may request.

“(b) VALID EXISTING RIGHTS.—The transfer of ad-
ministrative jurisdiction under subsection (a) shall be sub-
ject to any valid existing rights.

“(c) TIME FOR CONVEYANCE.—The transfer of ad-
ministrative jurisdiction under subsection (a) shall occur
pursuant to a schedule agreed upon by the Secretary of
the Interior and the Secretary concerned.
“(d) MAP AND LEGAL DESCRIPTION.—

“(1) PREPARATION AND PUBLICATION.—The Secretary of the Interior shall publish in the Federal Register a legal description of the public land to be transferred under subsection (a).

“(2) SUBMISSION TO CONGRESS.—The Secretary of the Interior shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives—

“(A) a copy of the legal description prepared under paragraph (1); and

“(B) the map referred to in subsection (a).

“(3) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of the legal description and map filed under paragraph (2) shall be available for public inspection in the appropriate offices of—

“(A) the Bureau of Land Management;

“(B) the commanding officer of the installation; and

“(C) the Secretary concerned.

“(4) FORCE OF LAW.—The legal description and map filed under paragraph (2) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct
clerical and typographical errors in the legal description or map.

“(5) Reimbursement of Costs.—Any transfer entered into pursuant to subsection (a) shall be made without reimbursement, except that the Secretary concerned shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior to prepare the legal description and map under this subsection.

“SEC. 3017. ADMINISTRATION OF TRANSFERRED LAND.

“(a) Treatment and Use of Transferred Land.—Upon the transfer of administrative jurisdiction of land under section 3016—

“(1) the land shall be treated as property (as defined in section 102(9) of title 40, United States Code) under the administrative jurisdiction of the Secretary concerned; and

“(2) the Secretary concerned shall administer the land for military purposes.

“(b) Withdrawal of Mineral Estate.—Subject to valid existing rights, land for which the administrative jurisdiction is transferred under section 3016 is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, for as long as the
land is under the administrative jurisdiction of the Secretary concerned.

“(c) Integrated Natural Resources Management Plan.—Not later than one year after the transfer of land under section 3016, the Secretary concerned, in cooperation with the Secretary of the Interior, shall prepare an integrated natural resources management plan pursuant to the Sikes Act (16 U.S.C. 670a et seq.) for the transferred land.

“(d) Relation to General Provisions.—Sections 3018 through 3026 do not apply to lands transferred under section 3016 or to the management of such land.

“(e) Transfers Between Armed Forces.—Nothing in this subtitle shall be construed as limiting the authority to transfer administrative jurisdiction over the land transferred under section 3016 to another armed force pursuant to section 2696 of title 10, United States Code, and the provisions of this section shall continue to apply to any such lands.

“SEC. 3018. GENERAL APPLICABILITY; DEFINITIONS.

“(a) Applicability.—Sections 3014 through 3028 apply to the lands withdrawn and reserved by section 3011 except—

“(1) to the B-16 Range referred to in section 3011(a)(3)(A), for which only section 3019 applies;
“(2) to the ‘Shoal Site’ referred to in section 3011(a)(3)(B), for which sections 3014 through 3028 apply only to the surface estate;

“(3) to the ‘Pahute Mesa’ area referred to in section 3011(b)(2); and

“(4) to the Desert National Wildlife Refuge referred to in section 3011(b)(5)—

“(A) except for section 3024(b); and

“(B) for which sections 3014 through 3028 shall only apply to the authorities and responsibilities of the Secretary of the Air Force under section 3011(b)(5).

“(b) RULES OF CONSTRUCTION.—Nothing in this subtitle assigns management of real property under the administrative jurisdiction of the Secretary concerned to the Secretary of the Interior.

“(c) DEFINITIONS.—In this subtitle:

“(1) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

“(2) MANAGE; MANAGEMENT.—

“(A) INCLUSIONS.—The terms ‘manage’ and ‘management’ include the authority to exer-
cise jurisdiction, custody, and control over the
lands withdrawn and reserved by section 3011.

“(B) EXCLUSIONS.—Such terms do not in-
clude authority for disposal of the lands with-
drawn and reserved by section 3011.

“(3) SECRETARY CONCERNED.—The term ‘Sec-
retary concerned’ has the meaning given the term in
section 101(a) of title 10, United States Code.

“SEC. 3019. ACCESS RESTRICTIONS.

“(a) AUTHORITY TO IMPOSE RESTRICTIONS.—If the
Secretary concerned determines that military operations,
public safety, or national security require the closure to
the public of any road, trail, or other portion of land with-
drawn and reserved by section 3011, the Secretary may
take such action as the Secretary determines to be nec-
essary to implement and maintain the closure.

“(b) LIMITATION.—Any closure under subsection (a)
shall be limited to the minimum area and duration that
the Secretary concerned determines are required for the
purposes of the closure.

“(c) CONSULTATION REQUIRED.—

“(1) IN GENERAL.—Subject to paragraph (3),
before a closure is implemented under this section,
the Secretary concerned shall consult with the Sec-
retary of the Interior.
“(2) INDIAN TRIBE.—Subject to paragraph (3), if a closure proposed under this section may affect access to or use of sacred sites or resources considered to be important by an Indian tribe, the Secretary concerned shall consult, at the earliest practicable date, with the affected Indian tribe.

“(3) LIMITATION.—No consultation shall be required under paragraph (1) or (2)—

“(A) if the closure is provided for in an integrated natural resources management plan, an installation cultural resources management plan, or a land use management plan; or

“(B) in the case of an emergency, as determined by the Secretary concerned.

“(d) NOTICE.—Immediately preceding and during any closure implemented under subsection (a), the Secretary concerned shall post appropriate warning notices and take other appropriate actions to notify the public of the closure.

“SEC. 3020. CHANGES IN USE.

“(a) OTHER USES AUTHORIZED.—In addition to the purposes described in section 3011, the Secretary concerned may authorize the use of land withdrawn and reserved by section 3011 for defense-related purposes.

“(b) NOTICE TO SECRETARY OF THE INTERIOR.—
“(1) IN GENERAL.—The Secretary concerned shall promptly notify the Secretary of the Interior if the land withdrawn and reserved by section 3011 is used for additional defense-related purposes.

“(2) REQUIREMENTS.—A notification under paragraph (1) shall specify—

“(A) each additional use;
“(B) the planned duration of each additional use; and
“(C) the extent to which each additional use would require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nondefense-related uses of the withdrawn and reserved land or portions of withdrawn and reserved land.

“SEC. 3021. BRUSH AND RANGE FIRE PREVENTION AND SUPPRESSION.

“(a) REQUIRED ACTIVITIES.—Consistent with any applicable land management plan, the Secretary concerned shall take necessary precautions to prevent, and actions to suppress, brush and range fires occurring as a result of military activities on the land withdrawn and reserved by section 3011, including fires that occur on other land that spread from the withdrawn and reserved land.
“(b) Cooperation of Secretary of the Interior.—

“(1) In general.—At the request of the Secretary concerned, the Secretary of the Interior shall provide assistance in the suppression of fires under subsection (a). The Secretary concerned shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in providing such assistance.

“(2) Transfer of funds.—Notwithstanding section 2215 of title 10, United States Code, the Secretary concerned may transfer to the Secretary of the Interior, in advance, funds to be used to reimburse the costs of the Department of the Interior in providing assistance under this subsection.

“SEC. 3022. ONGOING DECONTAMINATION.

“(a) Program of decontamination required.—During the period of a withdrawal and reservation of land by section 3011, the Secretary concerned shall maintain, to the extent funds are available to carry out this subsection, a program of decontamination of contamination caused by defense-related uses on the withdrawn land. The decontamination program shall be carried out consistent with applicable Federal and State law.
“(b) Annual Report.—The Secretary of Defense shall include in the annual report required by section 2711 of title 10, United States Code, a description of decontamination activities conducted under subsection (a).

“SEC. 3023. WATER RIGHTS.

“(a) No Reservation of Water Rights.—Nothing in this subtitle—

“(1) establishes a reservation in favor of the United States with respect to any water or water right on the land withdrawn and reserved by section 3011; or

“(2) authorizes the appropriation of water on the land withdrawn and reserved by section 3011, except in accordance with applicable State law.

“(b) Effect on Previously Acquired or Reserved Water Rights.—

“(1) In General.—Nothing in this section affects any water rights acquired or reserved by the United States before October 5, 1999, on the land withdrawn and reserved by section 3011.

“(2) Authority of Secretary Concerned.—The Secretary concerned may exercise any water rights described in paragraph (1).
“SEC. 3024. HUNTING, FISHING, AND TRAPPING.

“(a) IN GENERAL.—Section 2671 of title 10, United States Code, shall apply to all hunting, fishing, and trapping on the land—

“(1) that is withdrawn and reserved by section 3011; and

“(2) for which management of the land has been assigned to the Secretary concerned.


“SEC. 3025. RELINQUISHMENT.

“(a) NOTICE OF INTENTION TO RELINQUISH.—If, during the period of withdrawal and reservation made by section 3011, the Secretary concerned decides to relinquish any or all of the land withdrawn and reserved by section 3011, the Secretary concerned shall submit to the Secretary of the Interior notice of the intention to relinquish the land.

“(b) DETERMINATION OF CONTAMINATION.—The Secretary concerned shall include in the notice submitted
under subsection (a) a written determination concerning
whether and to what extent the land that is to be relin-
quished is contaminated with explosive materials or toxic
or hazardous substances.

“(c) PUBLIC NOTICE.—The Secretary of the Interior
shall publish in the Federal Register the notice of inten-
tion to relinquish the land under this section, including
the determination concerning the contaminated state of
the land.

“(d) DECONTAMINATION OF LAND TO BE RELIN-
quished.—

“(1) DECONTAMINATION REQUIRED.—The Sec-
retary concerned shall decontaminate land subject to
a notice of intention under subsection (a) to the ex-
tent that funds are appropriated for that purpose,
if—

“(A) the land subject to the notice of in-
tention is contaminated, as determined by the
Secretary concerned; and

“(B) the Secretary of the Interior, in con-
sultation with the Secretary concerned, deter-
mines that—

“(i) decontamination is practicable
and economically feasible, after taking into
consideration the potential future use and
value of the contaminated land; and

“(ii) on decontamination of the land,
the land could be opened to operation of
some or all of the public land laws, includ-
ing the mining laws, the mineral leasing
laws, and the geothermal leasing laws.

“(2) ALTERNATIVES TO RELINQUISHMENT.—
The Secretary of the Interior shall not be required
to accept the land proposed for relinquishment
under subsection (a), if—

“(A) the Secretary of the Interior, after
consultation with the Secretary concerned, de-
determines that—

“(i) decontamination of the land is
not practicable or economically feasible; or

“(ii) the land cannot be decontami-
nated sufficiently to be opened to operation
of some or all of the public land laws; or

“(B) sufficient funds are not appropriated
for the decontamination of the land.

“(3) STATUS OF CONTAMINATED LAND PRO-
posed to be RELINQUISHED.—If, because of the
contaminated state of the land, the Secretary of the
Interior declines to accept land withdrawn and re-
served by section 3011 that has been proposed for relinquishment—

“(A) the Secretary concerned shall take appropriate steps to warn the public of—

“(i) the contaminated state of the land; and

“(ii) any risks associated with entry onto the land;

“(B) the Secretary concerned shall submit to the Secretary of the Interior and Congress a report describing—

“(i) the status of the land; and

“(ii) any actions taken under this paragraph.

“(e) Revocation Authority.—

“(1) In general.—If the Secretary of the Interior determines that it is in the public interest to accept the land proposed for relinquishment under subsection (a), the Secretary of the Interior may order the revocation of a withdrawal and reservation made by section 3011.

“(2) Revocation order.—To carry out a revocation under paragraph (1), the Secretary of the Interior shall publish in the Federal Register a revocation order that—
“(A) terminates the withdrawal and reservation;

“(B) constitutes official acceptance of the land by the Secretary of the Interior; and

“(C) specifies the date on which the land will be opened to the operation of some or all of the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

“(f) Acceptance by Secretary of the Interior.—

“(1) In general.—Nothing in this section requires the Secretary of the Interior to accept the land proposed for relinquishment if the Secretary determines that the land is not suitable for return to the public domain.

“(2) Notice.—If the Secretary makes a determination that the land is not suitable for return to the public domain, the Secretary shall provide notice of the determination to Congress.

“SEC. 3026. EFFECT OF TERMINATION OF MILITARY USE.

“(a) Notice and Effect.—Upon a determination by the Secretary concerned that there is no longer a military need for all or portions of the land for which administrative jurisdiction was transferred under section 3016,
the Secretary concerned shall notify the Secretary of the
Interior of such determination. Subject to subsections (b),
(c), and (d), the Secretary concerned shall transfer admin-
istrative jurisdiction over the land subject to such a notice
back to the administrative jurisdiction of the Secretary of
the Interior.

“(b) CONTAMINATION.—Before transmitting a notice
under subsection (a), the Secretary concerned shall pre-
pare a written determination concerning whether and to
what extent the land to be transferred is contaminated
with explosive materials or toxic or hazardous substances.
A copy of the determination shall be transmitted with the
notice. Copies of the notice and the determination shall
be published in the Federal Register.

“(c) DECONTAMINATION.—The Secretary concerned
shall decontaminate any contaminated land that is the
subject of a notice under subsection (a) if—

“(1) the Secretary of the Interior, in consulta-
tion with the Secretary concerned, determines that—

“(A) decontamination is practicable and
economically feasible (taking into consideration
the potential future use and value of the land);
“(B) upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws; and “(2) funds are appropriated for such decontamination.

“(d) No Required Acceptance.—The Secretary of the Interior is not required to accept land proposed for transfer under subsection (a) if the Secretary of the Interior is unable to make the determinations under subsection (c)(1) or if Congress does not appropriate a sufficient amount of funds for the decontamination of the land.

“(e) Alternative Disposal.—If the Secretary of the Interior declines to accept land proposed for transfer under subsection (a), the Secretary concerned shall dispose of the land in accordance with property disposal procedures established by law.”.

(c) Conforming and Clerical Amendments.—

(1) Conforming Amendments.—Section 3014 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 890) is amended by striking subsections (b), (d), and (f).

(2) Clerical Amendments.—The table of sections at the beginning of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 885) is amended by striking the items
relating to sections 3016 through 3023 and inserting
the following new items:

"Sec. 3016. Transfer process.
"Sec. 3017. Administration of transferred land.
"Sec. 3018. General applicability; definitions.
"Sec. 3019. Access restrictions.
"Sec. 3020. Changes in use.
"Sec. 3021. Brush and range fire prevention and suppression.
"Sec. 3022. Ongoing decontamination.
"Sec. 3023. Water rights.
"Sec. 3024. Hunting, fishing, and trapping.
"Sec. 3025. Relinquishment.
"Sec. 3026. Effect of termination of military use.
"Sec. 3027. Use of mineral materials.
"Sec. 3028. Immunity of United States.”.

SEC. 2842. PERMANENT WITHDRAWAL OR TRANSFER OF
ADMINISTRATIVE JURISDICTION OF PUBLIC LAND, NAVAL AIR WEAPONS STATION CHINA LAKE, CALIFORNIA.

Section 2979 of the Military Construction Authoriza-
tion Act for Fiscal Year 2014 (division B of Public Law
113–66; 127 Stat. 1044) is amended by striking “on
March 31, 2039.” and inserting the following: “only as
follows:

“(1) If the Secretary of the Navy makes an
election to terminate the withdrawal and reservation
of the public land.

“(2) If the Secretary of the Interior, upon re-
quest by the Secretary of the Navy, transfers admin-
istrative jurisdiction over the public land to the Sec-
retary of the Navy. A transfer under this paragraph
may consist of a portion of the land, in which case
the termination of the withdrawal and reservation applies only with respect to the land so transferred.”.

Subtitle F—Military Memorials, Monuments, and Museums

SEC. 2851. CYBER CENTER FOR EDUCATION AND INNOVATION–HOME OF THE NATIONAL CRYPTOLOGIC MUSEUM.

(a) Authority to Establish and Operate Center.—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4781. Cyber Center for Education and Innovation–Home of the National Cryptologic Museum

“(a) Establishment.—The Secretary of Defense may establish at a publicly accessible location at Fort George G. Meade the ‘Cyber Center for Education and Innovation–Home of the National Cryptologic Museum’ (in this section referred to as the ‘Center’). The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency, its predecessor or successor organizations, and the history of cryptology. The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public
outreach, and other purposes as the Secretary considers appropriate.

“(b) DESIGN, CONSTRUCTION, AND OPERATION.—
The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the ‘Foundation’), a nonprofit organization, for the design, construction, and operation of the Center.

“(c) ACCEPTANCE AUTHORITY.—

“(1) ACCEPTANCE OF FACILITY.—If the Foundation constructs the Center pursuant to an agreement with the Foundation under subsection (b), upon satisfactory completion of the Center’s construction or any phase thereof, as determined by the Secretary, and upon full satisfaction by the Foundation of any other obligations pursuant to such agreement, the Secretary may accept the Center (or any phase thereof) from the Foundation, and all right, title, and interest in the Center or such phase shall vest in the United States.

“(2) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, the Secretary may accept services from the Foundation in connection with the design, construction, and operation of the Center. For purposes of this section and any other provision of law, employees or personnel of the
Foundation shall not be considered to be employees of the United States.

“(d) FEES AND USER CHARGES.—

“(1) AUTHORITY TO ASSESS FEES AND USER CHARGES.—Under regulations prescribed by the Secretary, the Director may assess fees and user charges sufficient to cover the cost of the use of Center facilities and property, including rental, user, conference, and concession fees, except that the Director may not assess fees for general admission to the National Cryptologic Museum.

“(2) USE OF FUNDS.—Amounts received by the Director under paragraph (1) shall be deposited into the Fund established under subsection (e).

“(e) FUND.—

“(1) ESTABLISHMENT.—Upon the Secretary’s acceptance of the Center under subsection (e)(1), there is established in the Treasury a fund to be known as the ‘Cyber Center for Education and Innovation–Home of the National Cryptologic Museum Fund’ (in this section referred to as the ‘Fund’).

“(2) CONTENTS.—The Fund shall consist of the following amounts:

“(A) Fees and user charges deposited by the Director under subsection (d).
“(B) Any other amounts received by the Director which are attributable to the operation of the Center.

“(C) Such amounts as may be appropriated under law.

“(3) USE OF FUND.—Amounts in the Fund shall be available to the Director for the benefit and operation of the Center, including the costs of operation and the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

“(4) CONTINUING AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available without fiscal year limitation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4781. Cyber Center for Education and Innovation–Home of the National Cryptologic Museum.”.

SEC. 2852. RENAMING SITE OF THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

SEC. 2853. SUPPORT FOR MILITARY SERVICE MEMORIALS AND MUSEUMS HIGHLIGHTING ROLE OF WOMEN IN THE MILITARY.

(a) Authorization of Support.—Subject to appropriation, the Secretary of Defense may provide financial support for military service memorials and museums in the acquisition, installation, and maintenance of exhibits, facilities, and programs that highlight the role of women in the military.

(b) Agreement With Nonprofit Organizations.—

(1) Authorization of Agreement.—Subject to paragraph (2), the Secretary may carry out subsection (a) by entering into contracts with nonprofit organizations under which such an organization shall carry out the activities described in such subsection.

(2) Report Required Prior to Agreement.—The Secretary may not enter into a contract under paragraph (1) until the congressional defense committees have received a report from the Secretary that describes how the use of such a contract will help educate and inform the public on the history and mission of the military, or support training and leadership development of military personnel,
and is in the best interests of the Department of De-

fense.

SEC. 2854. PETERSBURG NATIONAL BATTLEFIELD BOUND-

ARY MODIFICATION.

(a) IN GENERAL.—The boundary of the Petersburg
National Battlefield is modified to include the land and
interests in land as generally depicted on the map titled
“Petersburg National Battlefield Proposed Boundary Ex-
pansion”, numbered 325/80,080, and dated March 2016.
The map shall be on file and available for public inspection
in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—

(1) AUTHORITY.—The Secretary of the Interior
(referred to in this section as the “Secretary”) is au-
thorized to acquire the land and interests in land,
described in subsection (a), from willing sellers only,
by donation, purchase with donated or appropriated
funds, exchange, or transfer.

(2) NO USE OF CONDEMNATION.—The Sec-
retary may not acquire by condemnation any land or
interest in land under this Act or for the purposes
of this Act.

(3) NO BUFFER ZONE CREATED.—Nothing in
this Act, the acquisition of the land or an interest
in land authorized under subsection (a), or the man-
agement plan for the Petersburg National Battlefield (including the acquired land) shall be construed to create buffer zones outside the Petersburg National Battlefield. That activities or uses can be seen, heard, or detected from the acquired land shall not preclude, limit, control, regulate, or determine the conduct or management of activities or uses outside of the Petersburg National Battlefield.

(4) Written consent of the owner.—No non-Federal property may be included in the Petersburg National Battlefield without the written consent of the owner.

(5) Technical amendment.—Section 313(a) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3479) is amended by striking “twenty-one” and inserting “twenty-five”.

(c) Administration.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) Administrative Jurisdiction Transfer.—

(1) In general.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land de-
picted as “Area to be transferred to Fort Lee Military Reservation” on the map described in paragraph (2); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as “Area to be transferred to Petersburg National Battlefield” on the map described in paragraph (2).

(2) MAP.—The land to be exchanged is depicted on the map titled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/80,801A, dated March 2016. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction under paragraph (1) shall be subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer shall occur without reimbursement or consideration.

(B) MANAGEMENT.—The land transferred to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg
National Battlefield and administered as part of that park in accordance with applicable laws and regulations, and the land transferred to the Secretary of the Army shall be excluded from the boundary of the Petersburg National Battlefield.

SEC. 2855. AMENDMENTS TO THE NATIONAL HISTORIC PRESERVATION ACT.

Section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)) is amended as follows:

(1) In paragraph (2)—

(A) in subparagraph (E), by striking “; and” and inserting a semicolon;

(B) in subparagraph (F), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(G) notifying the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate if the property is owned by the Federal Government when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.”.
(2) By redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively.

(3) By inserting after paragraph (6) the following:

“(7) If the head of the agency managing any Federal property objects to such inclusion or designation for reasons of national security, such as any impact the inclusion or designation would have on use of the property for military training or readiness purposes, that Federal property shall be neither included on the National Register nor designated as a National Historic Landmark until the objection is withdrawn.”.

(4) By adding after paragraph (9) (as so redesignated by paragraph (2) of this section) the following:

“(10) The Secretary shall promulgate regulations to allow for expedited removal of Federal property listed on the National Register of Historic Places if the managing agency of that Federal property submits to the Secretary a written request to remove the Federal property from the National Register of Historic Places for reasons of national security, such as any impact the inclusion or designation
would have on use of the property for military training or readiness purposes.”.

SEC. 2856. RECOGNITION OF THE NATIONAL MUSEUM OF WORLD WAR II AVIATION.

(a) FINDINGS.—Congress finds the following:

(1) World War II was one of the most important events in the history of the Nation, a time of moral clarity and common purpose that remains today as an inspiration to all people in the United States.

(2) The role of aviation was a critical factor in the success of winning World War II and defeating the enemies worldwide.

(3) The bravery, courage, dedication, and heroism of World War II aviators and support personnel was an important element in the winning of World War II.

(4) The National Museum of World War II Aviation in Colorado Springs, Colorado, exists to help preserve and promote an understanding of the role of aviation in winning World War II.

(5) The National Museum of World War II Aviation is dedicated to celebrating the spirit of the United States, recognizing the teamwork, collaboration, patriotism, and courage of the men and women...
who fought, as well as those on the homefront who
mobilized and supported the national aviation effort.

(b) CONDITIONS ON RECOGNITION OF AMERICA’S
NATIONAL WORLD War II AVIATION MUSEUM.—The
Secretary of the Air Force, Secretary of the Navy, and
Secretary of the Army shall—

(1) each provide a briefing to the Committees
on Armed Services of the House of Representatives
and the Senate evaluating the suitability of the mu-
seum for recognition as a national museum; and

(2) each certify to such Committees that the
museum is suitable for such recognition.

(c) ELEMENTS OF CERTIFICATION.—The Secretary
of the Air Force, Secretary of the Navy, and Secretary
of the Army shall provide the certification under sub-
section (b)(2) only if each certifies that each of the fol-
lowing is correct:

(1) The museum possesses the infrastructure
necessary to maintain and preserve military cultural
resources.

(2) The museum is accredited.

(3) The museum prevents the private use of
any item donated to the museum.

(4) The museum applies industry standards for
the preservation of military cultural resources.
(5) The museum employs sufficient staff, trained to industry standards, to ensure the preservation of military cultural resources.

Subtitle G—Designations and Other Matters

SEC. 2861. DESIGNATION OF PORTION OF MOFFETT FEDERAL AIRFIELD, CALIFORNIA, AS MOFFETT AIR NATIONAL GUARD BASE.

(a) DESIGNATION.—The 111-acre cantonment area at Moffett Federal Airfield, California, utilized by the 129th Rescue Wing of the California Air National Guard shall be known and designated as “Moffett Air National Guard Base”.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, other record of the United States to the cantonment area at Moffett Federal Airfield described in subsection (a) shall be considered to be a reference to Moffett Air National Guard Base.

SEC. 2862. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated
Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), and as amended by section 2862 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1701) is further amended—

(1) by striking “Mike O’Callaghan Federal Medical Center” each place it appears and inserting “Mike O’Callaghan Military Medical Center”; and

(2) in the heading, by striking “MIKE O’CALLAGHAN” and all that follows and inserting “MIKE O’CALLAGHAN MILITARY MEDICAL CENTER.”.

SEC. 2863. TRANSFER OF CERTAIN ITEMS OF THE OMAR BRADLEY FOUNDATION TO THE DESCENDANTS OF GENERAL OMAR BRADLEY.

(a) Transfer Authorized.—The Omar Bradley Foundation, Pennsylvania, may transfer, without consideration, to the child of General of the Army Omar Nelson Bradley and his first wife Mary Elizabeth Quayle Bradley, namely Elizabeth Bradley, such items of the Omar Bradley estate under the control of the Foundation as the Secretary of the Army determines to be without historic value to the Army.

(b) Time of Submittal of Claim for Transfer.—No item may be transferred under subsection (a)
unless the claim for the transfer of such item is submitted
to the Omar Bradley Foundation during the 180-day pe-
period beginning on the date of the enactment of this Act.

SEC. 2864. PROTECTION AND RECOVERY OF GREATER SAGE
GROUSE.

(a) DEFINITIONS.—In this section:

(1) FEDERAL RESOURCE MANAGEMENT
PLAN.—The term “Federal resource management
plan” means—

(A) a land use plan prepared by the Bu-
reau of Land Management for public lands pur-
suant to section 202 of the Federal Land Policy
and Management Act of 1976 (43 U.S.C.
1712); or

(B) a land and resource management plan
prepared by the Forest Service for National
Forest System lands pursuant to section 6 of
the Forest and Rangeland Renewable Resources

(2) GREATER SAGE GROUSE.—The term
“Greater Sage Grouse” means a sage grouse of the
species Centrocercus urophasianus.

(3) STATE MANAGEMENT PLAN.—The term
“State management plan” means a State-approved
plan for the protection and recovery of the Greater Sage Grouse.

(b) PURPOSE.—The purpose of this section is—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive Greater Sage Grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the Greater Sage Grouse.

(c) DELAY IN MAKING ENDANGERED SPECIES ACT OF 1973 FINDING.—

(1) DELAY REQUIRED.—In the case of any State with a State management plan, the Secretary of the Interior may not make a finding under clause (i), (ii), or (iii) of section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)) with respect to the Greater Sage Grouse in that State before September 30, 2026.

(2) EFFECT ON OTHER LAWS.—The delay imposed by paragraph (1) is, and shall remain, effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(3) EFFECT ON CONSERVATION STATUS.—Until the date specified in paragraph (1), the conservation

(d) COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE MANAGEMENT PLANS.—

(1) Prohibition on withdrawals and modifications of federal resource management plans.—In order to foster coordination between a State management plan and Federal resource management plans that affect the Greater Sage Grouse, upon notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture, as applicable, may not exercise authority under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) to make, modify, or extend any withdrawal, nor amend or otherwise modify any Federal resource management plan applicable to Federal land in the State, in a manner inconsistent with the State management plan for a period, to be specified by the Governor in the notification, of at least five years beginning on the date of the notification.

(2) Retroactive effect.—In the case of any State that provides notification under paragraph (1), if any withdrawal was made, modified, or extended
or if any amendment or modification of a Federal
resource management plan applicable to Federal
lands in the State was issued during the three-year
period preceding the date of the notification and the
withdrawal, amendment, or modification altered
management of the Greater Sage Grouse or its habi-
tat, implementation and operation of the withdrawal,
amendment, or modification shall be stayed to the
extent that the withdrawal, amendment, or modify-
ation is inconsistent with the State management plan.

The Federal resource management plan, as in effect
immediately before the amendment or modification,
shall apply instead with respect to management of
the Greater Sage Grouse and its habitat, to the ex-
tent consistent with the State management plan.

(3) DETERMINATION OF INCONSISTENCY.—Any
disagreement regarding whether a withdrawal, or an
amendment or other modification of a Federal re-
source management plan, is inconsistent with a
State management plan shall be resolved by the
Governor of the affected State.

(e) RELATION TO NATIONAL ENVIRONMENTAL POL-
ICY ACT OF 1969.—With regard to any major Federal ac-
tion consistent with a State management plan, any find-
ings, analyses, or conclusions regarding the Greater Sage
Grouse or its habitat under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(f) REPORTING REQUIREMENT.—Not later than one year after the date of the enactment of this Act and annually thereafter through 2026, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the Secretaries’ implementation and effectiveness of systems to monitor the status of Greater Sage Grouse on Federal lands under their jurisdiction.

(g) JUDICIAL REVIEW.—Notwithstanding any other provision of statute or regulation, the requirements and implementation of this section, including determinations made under subsection (d)(3), are not subject to judicial review.

SEC. 2865. IMPLEMENTATION OF LESSER PRAIRIE-CHICKEN RANGE-WIDE CONSERVATION PLAN AND OTHER CONSERVATION MEASURES.

(a) DEFINITIONS.—In this section:
(1) **CANDIDATE CONSERVATION AGREEMENTS.**—The terms “Candidate Conservation Agreement” and “Candidate and Conservation Agreement With Assurances” have the meaning given those terms in—

(A) the announcement of the Department of the Interior and the Department of Commerce entitled “Announcement of Final Policy for Candidate Conservation Agreements with Assurances” (64 Fed. Reg. 32726 (June 17, 1999)); and

(B) sections 17.22(d) and 17.32(d) of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) **RANGE-WIDE PLAN.**—The term “Range-Wide Plan” means the Lesser Prairie-Chicken Range-Wide Conservation Plan of the Western Association of Fish and Wildlife Agencies, as endorsed by the United States Fish and Wildlife Service on October 23, 2013, and published for comment on January 29, 2014 (79 Fed. Reg. 4652).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **PROHIBITION ON TREATMENT AS THREATENED OR ENDANGERED SPECIES.**—
(1) IN GENERAL.—Notwithstanding any prior action by the Secretary, the lesser prairie-chicken shall not be treated as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) before December 31, 2022.

(2) PROHIBITION ON PROPOSAL.—Effective beginning on January 1, 2023, the lesser prairie-chicken may not be treated as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) unless the Secretary publishes a determination, based on the totality of the scientific evidence, that conservation (as that term is used in that Act) under the Range-Wide Plan and the agreements, programs, and efforts referred to in subsection (c) have not achieved the conservation goals established by the Range-Wide Plan.

(c) MONITORING OF PROGRESS OF CONSERVATION PROGRAMS.—The Secretary shall monitor and annually submit to Congress a report on progress in conservation of the lesser prairie-chicken under the Range-Wide Plan and all related—

(1) Candidate Conservation Agreements and Candidate and Conservation Agreements With Assurances;
(2) other Federal conservation programs administered by the United States Fish and Wildlife Service, the Bureau of Land Management, and the Department of Agriculture;

(3) State conservation programs; and

(4) private conservation efforts.

SEC. 2866. REMOVAL OF ENDANGERED SPECIES STATUS FOR AMERICAN BURYING BEETLE.


TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:
Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$37,409,000</td>
</tr>
<tr>
<td>Iceland</td>
<td>Keflavik</td>
<td>$19,600,000</td>
</tr>
</tbody>
</table>

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Air Force may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>Graf Ignatievo</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Chabelley Airfield</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>Estonia</td>
<td>Amari Air Base</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Spangdahlem Air Base</td>
<td>$18,700,000</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Siauliai</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Poland</td>
<td>Powidz Air Base</td>
<td>$4,100,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Lask Air Base</td>
<td>$4,100,000</td>
</tr>
<tr>
<td></td>
<td>Campia Turzii</td>
<td>$18,500,000</td>
</tr>
</tbody>
</table>

SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602 and 4603.
TITLE XXX—UTAH TEST AND TRAINING RANGE ENCROACHMENT PREVENTION AND TEMPORARY CLOSURE AUTHORITIES

SEC. 3001. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—Congress finds that—

(1) the testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States;

(2) the Utah Test and Training Range is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense;

(3) continued access to the special use airspace and land that comprise the Utah Test and Training Range, under the terms and conditions described in this title is a national security priority;

(4) multiple use of, sustained yield activities on, and access to the BLM land are vital to the customs, culture, economy, ranching, grazing, and transportation interests of the counties in which the BLM land is situated; and
(5) the limited use by the military of the BLM land and airspace above the BLM land is vital to improving and maintaining the readiness of the Armed Forces.

(b) DEFINITIONS.—In this title:

(1) BLM LAND.—The term “BLM land” means the Bureau of Land Management land in the State comprising approximately 625,643 acres, as generally depicted on the map entitled “Utah Test and Training Range Enhancement/West Desert Land Exchange” and dated February 12, 2016.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of Utah.

(4) UTAH TEST AND TRAINING RANGE.—

(A) IN GENERAL.—The term “Utah Test and Training Range” means the portions of the military land and airspace operating area of the Utah Test and Training Area that are located in the State.

(B) INCLUSION.—The term “Utah Test and Training Range” includes the Dugway Proving Ground.
Subtitle A—Utah Test and Training Range

SEC. 3011. MANAGEMENT OF BLM LAND.

(a) Memorandum of Agreement.—

(1) Draft.—

(A) In General.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (2).

(B) Public Comment Period.—During the 30-day period beginning on the date on which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Group established under section 3013(a) to provide comments on the draft memorandum of agreement.

(2) Requirement; Deadline.—

(A) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agree-
ment that provides for the continued management of the BLM land by the Secretary, in a manner that provides for the limited use of the BLM land by the Secretary of the Air Force, consistent with this title.

(B) SIGNATURES REQUIRED.—The terms of the memorandum of agreement, including a temporary closure of the BLM land under the memorandum of agreement, may not be carried out until the date on which all parties to the memorandum of agreement have signed the memorandum of agreement.

(3) MANAGEMENT BY SECRETARY.—The memorandum of agreement under paragraph (2) shall provide that the Secretary (acting through the Director of the Bureau of Land Management) shall continue to manage the BLM land—

(A) as land described in section 6901(1)(B) of title 31, United States Code;

(B) for multiple use and sustained yield goals and activities as required under sections 102(a)(7) and 202(c)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(7), 1712(c)(1)) and defined in section 103 of that Act (43 U.S.C. 1702), including all
principal or major uses on Federal land recognized pursuant to the definition of the term in section 103 of that Act (43 U.S.C. 1702);

(C) in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(D) subject to use by the Secretary of the Air Force provided under section 3012 for—

(i) the preservation of the Utah Test and Training Range against current and future encroachments that the Secretary of the Air Force finds to be incompatible with current and future test and training requirements;

(ii) the testing of—

(I) advanced weapon systems, including current weapons systems, 5th generation weapon systems, and future weapon systems; and

(II) the standoff distance for weapons;

(iii) the testing and evaluation of hypersonic weapons;

(iv) increased public safety for civilians accessing the BLM land; and
(v) other purposes relating to meeting national security needs.

(b) MAP.—The Secretary may correct any minor errors in the map.

(c) LAND USE PLANS.—Any land use plan in existence on the date of enactment of this Act that applies to the BLM land shall continue to apply to the BLM land.

(d) MAINTAIN CURRENT USES.—

(1) IN GENERAL.—Notwithstanding subsection (a)(3)(D), the memorandum of agreement entered into under subsection (a) and the land use plans described in subsection (c) shall not diminish any major or principle use that is recognized pursuant to section 103(l) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(l)), except to the extent authorized in subsection (a).

(2) ACTIONS BY SECRETARY OF THE AIR FORCE.—The Secretary of the Air Force shall—

(A) if corrective action is necessary due to an action of the Air Force, as determined by the Secretary of the Air Force, render the BLM land safe for public use; and

(B) appropriately communicate the safety of the land to the Secretary once the BLM land is rendered safe for public use.
(c) Grazing.—

(1) New grazing leases and permits.—

(A) In general.—The Secretary shall issue and administer any new grazing lease or permit on the BLM land, in accordance with applicable law (including regulations) and other authorities applicable to livestock grazing on Bureau of Land Management land.

(B) Non-Federal land levels.—The Secretary (acting through the Director of the Bureau of Land Management) shall continue to issue and administer livestock grazing leases and permits on the non-Federal land described in section 3022(3), subject to the requirements described in subparagraphs (A) through (C) of paragraph (2).

(2) Existing grazing leases and permits.—Any livestock grazing lease or permit applicable to the BLM land that is in existence on the date of enactment of this Act shall continue in effect—

(A) at the number of permitted animal unit months authorized under current applicable land use plans;
(B) if range conditions permit, at levels greater than the level of active use; and

(C) subject to such reasonable increases and decreases of active use of animal unit months and other reasonable regulations, policies, and practices as the Secretary may consider appropriate based on rangeland conditions.

(f) Memorandum of Understanding on Emergency Access and Response.—Nothing in this section precludes the continuation of the memorandum of understanding that is between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence as of the date of enactment of this Act.

(g) Withdrawal.—Subject to valid existing rights, the BLM land is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

(h) Limitation on Future Rights-of-Way or Use Permits.—The Secretary may not issue any new use permits or rights-of-way on the BLM land for any purposes that the Secretary of the Air Force determines to be incompatible with current or projected military require-
ments, with consideration given to the rangeland improve-
ments under section 3015(h).

(i) Grazing and Ranching.—Efforts described in
this title to facilitate grazing and ranching on the BLM
land and the non-Federal land described in section
3022(3) shall be considered to be compatible with mission
requirements of the Utah Test and Training Range.

SEC. 3012. TEMPORARY CLOSURES.

(a) In General.—If the Secretary of the Air Force
determines that military operations (including operations
relating to the fulfillment of the mission of the Utah Test
and Training Range), public safety, or national security
require the temporary closure to public use of any road,
trail, or other portion of the BLM land, the Secretary of
the Air Force may take such action as the Secretary of
the Air Force determines necessary to carry out the tem-
porary closure.

(b) Limitations.—Any temporary closure under
subsection (a)—

(1) shall be limited to the minimum areas and
periods during which the Secretary of the Air Force
determines are required to carry out a closure under
this section;
(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);

(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and

(ii) as infrequently as practicable and in no case for more than 10 days per year; and

(C) shall in no case be for longer than a 6-hour period per day.

(e) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—
(i) at least 30 days before the date on which the temporary closure goes into effect;

(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) Special notification procedures.—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) Maximum annual closures.—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) Prohibition on certain temporary closures.—The northernmost area identified as “Newfoundland’s” on the map shall not be subject to any temporary
closure between August 21 and February 28, in accordance with the lawful hunting methods and seasons of the State of Utah.

(f) Emergency Ground Response.—A temporary closure of a portion of the BLM land shall not affect the conduct of emergency response activities on the BLM land during the temporary closure.

(g) Law Enforcement and Security.—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in promoting public safety and operation security on or near the BLM land during noticed test and training periods.

(h) Livestock.—Livestock shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

SEC. 3013. COMMUNITY RESOURCE GROUP.

(a) Establishment.—Not later than 60 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community Resource Group (referred to in this section as the “Community Group”) to provide regular and continuing input to the Secretary and the Secretary of the Air Force on mat-
ters involving public access to, use of, and overall management of the BLM land.

(b) Membership.—

(1) In general.—The Secretary (acting through the State Bureau of Land Management Office) shall appoint members to the Community Group, including—

(A) operational and land management personnel of the Air Force;

(B) 1 Indian representative, to be nominated by a majority vote conducted among the Indian tribes in the vicinity of the BLM land;

(C) not more than 2 county commissioners from each of Box Elder, Tooele, and Juab Counties, Utah;

(D) 2 representatives of off-road and highway use, hunting, and other recreational groups;

(E) 2 representatives of livestock grazers on any public land located within the BLM land;

(F) 1 representative of the Utah Department of Agriculture and Food; and

(G) not more than 3 representatives of State or Federal offices or agencies, or private
groups, if the Secretary determines that such representatives would further the goals and objectives of the Community Group.

(2) CHAIRPERSON.—The members described in paragraph (1) shall elect from among the members of the Community Group—

(A) 1 member to serve as Chairperson of the Community Group; and

(B) 1 member to serve as Vice-Chairperson of the Community Group.

(c) CONDITIONS AND TERMS OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Community Group shall serve voluntarily and without remuneration.

(2) TERM OF APPOINTMENT.—

(A) IN GENERAL.—Each member of the Community Group shall be appointed for a term of 4 years.

(B) ORIGINAL MEMBERS.—Notwithstanding subparagraph (A), the Chairperson shall select ½ of the original members of the Community Group to serve for a term of 4 years and the ½ to serve for a term of 2 years to ensure the replacement of members shall be staggered from year to year.
(C) Reappointment and Replacement.—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

(i) the term of the member has expired;

(ii) the member has retired; or

(iii) the position held by the member described in subparagraphs (A) through (G) of paragraph (1) has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

(d) Meetings.—

(1) In General.—The Community Group shall meet not less than once per year, and at such other frequencies as determined by five or more of the members of the Community Group.

(2) Responsibilities of Community Group.—The Community Group shall be responsible for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) Notice.—The Chairperson shall provide notice to each member of the Community Group not
less than 10 business days before the date of a scheduled meeting.

(4) EXEMPT FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) COORDINATION WITH RECOMMENDATIONS OF COMMUNITY GROUP.—The Secretary and the Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) TERMINATION OF AUTHORITY.—The Community Group shall terminate on the date that is seven years after the date of enactment of this Act, unless the Secretary and the Community Group mutually elect to terminate the Community Group before that date.

(g) RENEWAL.—The Community Group may elect, by simple majority, to renew the term of the Community Group for an additional seven years, with the option to renew the term every seven years thereafter. Each renewal must occur upon or within 90 days before termination of the Community Group.

SEC. 3014. LIABILITY.

The United States (including all departments, agencies, officers, and employees of the United States) shall
be held harmless and shall not be liable for any injury
or damage to any individual or property suffered in the
course of any mining, mineral, or geothermal activity, or
any other authorized nondefense-related activity, con-
ducted on the BLM land.

SEC. 3015. EFFECTS OF SUBTITLE.

(a) Effect on Weapon Impact Area.—Nothing in
this subtitle expands the boundaries of the weapon impact
area of the Utah Test and Training Range.

(b) Effect on Special Use Airspace and Train-
ing Routes.—Nothing in this subtitle precludes—

(1) the designation of new units of special use
airspace; or

(2) the expansion of existing units of special
use airspace.

(c) Effect on Existing Rights and Agree-
ments.—

(1) Knolls Special Recreation Manage-
ment Area; BLM Community Pits Central
Grayback and South Grayback.—Except as pro-
vided in section 3012, nothing in this subtitle limits
or alters any existing right or right of access to—

(A) the Knolls Special Recreation Manage-
ment Area; or
(B)(i) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and

(ii) any other county or community pit located within close proximity to the BLM land.

(2) NATIONAL HISTORIC TRAILS AND OTHER HISTORICAL LANDMARKS.—Except as provided in section 3012, nothing in this subtitle limits or alters any existing right or right of access to a component of the National Trails System or other Federal or State historic landmarks within the BLM land, including the California National Historic Trail, the Pony Express National Historic Trail, or the GAPA Launch Site and Blockhouse.

(3) CLOSURE OF INTERSTATE 80.—Nothing in this subtitle authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.

(4) EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.—Nothing in this subtitle affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).
(5) **Effect on Memorandum of Understanding.**—Nothing in this subtitle affects the memorandum of understanding entered into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfound-land Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.

(6) **Effect on Existing Military Special Use Airspace Agreement.**—Nothing in this subtitle limits or alters the Military Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) **Effect on Water Rights.**—

(1) **No Reservation Created.**—Nothing in this subtitle—

(A) establishes any reservation in favor of the United States with respect to any water or water right on the BLM land; or
(B) authorizes any appropriation of water on the BLM land, except in accordance with applicable State law.

(2) PREVIOUSLY ACQUIRED AND RESERVED WATER RIGHTS.—Nothing in this subtitle affects—

(A) any water right acquired or reserved by the United States before the date of enactment of this Act; or

(B) the authority of the Secretary or the Secretary of the Air Force, as applicable, to exercise any water right described in subparagraph (A).

(3) NO EFFECT ON MCCARRAN AMENDMENT.—Nothing in this subtitle diminishes, enhances, or otherwise affects in any way the rights, duties, and obligations of the United States, the State of Utah, the counties in which the BLM land is situated, and the residents and stakeholders in those counties under section 208 of the Act of July 10, 1952 (commonly known as the “McCarran Amendment”) (43 U.S.C. 666).

(c) EFFECT ON FEDERALLY RECOGNIZED INDIAN TRIBES.—
(1) In general.—Nothing in this subtitle alters any right reserved by treaty or Federal law for a federally recognized Indian tribe for tribal use.

(2) Consultation.—The Secretary of the Air Force shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before taking any action that will affect any tribal right or cultural resource protected by treaty or Federal law.

(f) Effect on Payments in Lieu of Taxes.—

(1) Eligibility of BLM land and non-federal land.—The BLM land and the non-Federal land described in section 3022(3) shall remain eligible as entitlement land under section 6901 of title 31, United States Code.

(2) No prejudice to county payment in lieu of taxes rights.—Nothing in this subtitle diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.

(g) Wildlife Guzzlers.—

(1) In general.—The Bureau of Land Management and the Utah Division of Wildlife Resources shall continue the management of wildlife...
guzzlers in existence as of the date of enactment of this Act on the BLM land.

(2) NEW GUZZLERS.—Nothing in this subtitle prevents the Bureau of Land Management and the Utah Division of Wildlife Resources from entering into agreements for new wildlife guzzlers.

(3) ACQUIRED GUZZLERS.—The Secretary shall continue to manage existing wildlife guzzlers or wildlife improvements on the non-Federal land conveyed to the Secretary under section 3023(a) that were in existence on the day before the date of the conveyance.

(h) RANGELAND IMPROVEMENTS.—The Secretary shall continue to manage, in a manner that promotes and facilitates grazing—

(1) rangeland improvements on the BLM land that are in existence on the date of enactment of this Act; and

(2) rangeland improvements on the non-Federal land conveyed to the Secretary under section 3023(a) that were in existence on the day before the date of the conveyance.

(i) NEW RANGELAND IMPROVEMENTS.—Nothing in this subtitle prevents the Bureau of Land Management, the Utah Department of Agriculture or other State entity,
or a Federal land permittee from entering into agreements
for new rangeland improvements that promote and facili-
tate grazing.

(j) **SCHOOL AND INSTITUTIONAL TRUST LANDS AD-
MINISTRATION.**—The Bureau of Land Management shall
maintain rangeland grazing improvements in existence as
of the date of enactment of this Act on acquired land of
the School and Institutional Trust Lands Administration.

**Subtitle B—Land Exchange**

**SEC. 3021. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds that—

(1) the State owns approximately 68,057 acres
of land and approximately 10,280 acres of mineral
interests located within the Utah Test and Training
Range in Box Elder, Tooele, and Juab Counties,
Utah;

(2) the State owns approximately 2,353 acres
of land and approximately 3,560 acres of mineral in-
terests located wholly or partially within the Cedar
Mountains Wilderness in Tooele County, Utah;

(3) the parcels of State land described in para-
graphs (1) and (2)—

(A) were granted by Congress to the State
pursuant to the Act of July 16, 1894 (28 Stat.
107, chapter 138), to be held in trust for the
benefit of the public school system and other
public institutions of the State; and
(B) are largely scattered in checkerboard
fashion among Federal land;
(4) continued State ownership and development
of State trust land within the Utah Test and Training Range and the Cedar Mountains Wilderness is
incompatible with—
(A) the critical national defense uses of the
Utah Test and Training Range; and
(B) the Federal management of the Cedar
Mountains Wilderness; and
(5) it is in the public interest of the United
States to acquire in a timely manner all State trust
land within the Utah Test and Training Range and
the Cedar Mountains Wilderness, in exchange for
the conveyance of the Federal land to the State, in
accordance with the terms and conditions described
in this subtitle.
(b) Purpose.—It is the purpose of this subtitle to
direct, facilitate, and expedite the exchange of certain
Federal land and non-Federal land between the United
States and the State.
SEC. 3022. DEFINITIONS.
In this subtitle:

(2) Federal land.—The term “Federal land” means the Bureau of Land Management land located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as “BLM Lands Proposed for Transfer to State Trust Lands”.

(3) Non-Federal land.—The term “non-Federal land” means the land owned by the State in Box Elder, Tooele, and Juab Counties, Utah, that is identified on the Exchange Map as—

(A) “State Trust Land Proposed for Transfer to BLM”; and

(B) “State Trust Minerals Proposed for Transfer to BLM”.

(4) State.—The term “State” means the State of Utah, acting through the School and Institutional Trust Lands Administration.
SEC. 3023. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) In General.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(b) Valid Existing Rights.—The exchange authorized under subsection (a) shall be subject to valid existing rights.

(c) Title Approval.—Title to the Federal land and non-Federal land to be exchanged under this section shall be in a format acceptable to the Secretary and the State.

(d) Appraisals.—

(1) In General.—The value of the Federal land and the non-Federal land to be exchanged under this section shall be determined by appraisals conducted by one or more independent appraisers retained by the State, with the consent of the Secretary.

(2) Applicable Law.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including,
as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions.

(3) MINERAL LAND.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) shall take into account mineral and technical reports provided by the Secretary and the State in the evaluation of mineral deposits in the Federal land and non-Federal land.

(B) MINING CLAIMS.—An appraisal of any parcel of Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 21 et seq.) shall take into account the encumbrance created by the claim for purposes of determining the value of the parcel of the Federal land.

(C) VALIDITY EXAMINATION.—Nothing in this subtitle requires the United States to conduct a mineral examination for any mining claim on the Federal land.

(4) APPROVAL.—The appraisals conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.
(5) Dispute Resolution.—If, by the date that is 90 days after the date of submission of an appraisal for review and approval under this subsection, the Secretary or the State do not agree to accept the findings of the appraisals with respect to one or more parcels of Federal land or non-Federal land, the dispute shall be resolved in accordance with section 206(d)(2) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)(2)).

(6) Duration.—The appraisals conducted under paragraph (1) shall remain valid until the date of the completion of the exchange authorized under this subtitle.

(7) Reimbursement of State Costs.—The Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State in retaining independent appraisers under paragraph (1).

(c) Conveyance of Title.—The land exchange authorized under this subtitle shall be completed by the later of—

(1) the date that is 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (d); and
(2) the date that is 1 year after the date of completion of the dispute resolution process authorized under subsection (d)(5).

(f) Public Inspection and Notice.—

(1) Public Inspection.—At least 30 days before the date of conveyance of the Federal land and non-Federal land, all final appraisals and appraisal reviews for land to be exchanged under this section shall be available for public review at the office of the State Director of the Bureau of Land Management in the State of Utah.

(2) Notice.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (d) are available for public inspection.

(g) Equal Value Exchange.—

(1) In General.—The value of the Federal land and non-Federal land to be exchanged under this section—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) Equalization.—

(A) Surplus of Federal Land.—
(i) IN GENERAL.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by the State conveying to the United States—

(I) State trust land parcel 1, as described in the assessment entitled “Bureau of Land Management Environmental Assessment UT–100–06–EA”, numbered UTU–82090, and dated March 2008; or

(II) State trust land located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1075) that has an appraised value equal to the difference between—

(aa) the value of the Federal land; and

(bb) the value of the non-Federal land.
(ii) **ORDER OF CONVEYANCES.**—Any non-Federal land required to be conveyed to the United States under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized, in the following order:

(I) The State trust land parcel described in clause (i)(I).

(II) State trust land parcels located in the Red Cliffs National Conservation Area.

(III) State trust land parcels located in the Does Pass Wilderness.

(IV) State trust land parcels located in the Beaver Dam Wash National Conservation Area.

(B) **SURPLUS OF NON-FEDERAL LAND.**—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy Management (43 U.S.C. 1716(b)).
(h) **Withdrawal of Federal Land from Mineral Entry Prior to Exchange.**—Subject to valid existing rights, the Federal land to be conveyed to the State under this section is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

**SEC. 3024. STATUS AND MANAGEMENT OF NON-FEDERAL LAND AFTER EXCHANGE.**

(a) **Non-Federal Land Within Utah Test and Training Range.**—On conveyance to the United States under this subtitle, the non-Federal land located within the Utah Test and Training Range shall be managed in accordance with the memorandum of agreement entered into under section 3011(a).

(b) **Non-Federal Land Within Cedar Mountains Wilderness.**—On conveyance to the United States under this subtitle, the non-Federal land located within the Cedar Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

**SEC. 3025. HAZARDOUS MATERIALS.**

(a) **Costs.**—Except as provided in subsection (b), the costs of remedial actions relating to hazardous materials
on land acquired under this subtitle shall be paid by those entities responsible for the costs under applicable law.

(b) **Remediation of Prior Testing and Training Activity.**—The Department of Defense shall bear all costs of evaluation, management, and remediation caused by the previous testing of military weapons systems and the training of military forces on non-Federal land to be conveyed to the United States under this subtitle.

**Subtitle C—Highway Rights-of-way**

**SEC. 3031. RECOGNITION AND TRANSFER OF CERTAIN HIGHWAY RIGHTS-OF-WAY.**

(a) **Definitions.**—In this section:

(1) **Highway Right-of-Way.**—The term “highway right-of-way” means a right-of-way across Federal land for all county roads in the Counties of Box Elder, Tooele, and Juab, in the State of Utah, according to official transportation map and centerline descriptions of each county in existence as of March 1, 2015.

(2) **Map.**—The term “official transportation map and centerline description” means—

(A) the map entitled “Official Transportation Map of Box Elder County, Utah” and dated March 1, 2015, and accompanying centerline description of each road on file with the
Clerk of Box Elder County as of March 1, 2015;

(B) the map entitled “Official Transportation Map of Tooele County” and dated March 1, 2015, and accompanying centerline description of each road on file with the Clerk of Tooele County as of March 1, 2015; and

(C) the map entitled “Official Transportation Map of Juab County” and dated March 1, 2015, and accompanying centerline description of each road on file with the Clerk of Juab County as of March 1, 2015.

(3) SECRETARY.—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to land administered by the Chief of the Forest Service; or

(B) the Secretary of the Interior, with respect to land administered by the Director of the Bureau of Land Management.

(b) RECOGNITION OF EXISTENCE AND VALIDITY OF RIGHTS-OF-WAY.—Congress recognizes the existence and validity of each of the highway rights-of-way identified on the official transportation maps and centerline descriptions.
(c) CONVEYANCE OF AN EASEMENT ACROSS FEDERAL LAND.—

(1) BOX ELDER COUNTY, UTAH.—The Secretary shall convey, without consideration, to Box Elder County, Utah, and the State of Utah as joint tenants with undivided interests, easements for motorized travel rights-of-way across Federal land for all highways shown and described in the official transportation map and centerline description of the county described in subsection (a)(2)(A).

(2) JUAB COUNTY, UTAH.—The Secretary shall convey, without consideration, to Juab County, Utah, and the State of Utah as joint tenants with undivided interests, easements for motorized travel rights-of-way across Federal land for all highways shown and described in the official transportation map and centerline description of the county described in subsection (a)(2)(B).

(3) TOOELE COUNTY, UTAH.—The Secretary shall convey, without consideration, to Tooele County, Utah, and the State of Utah as joint tenants with undivided interests, easements for motorized travel rights-of-way across Federal land for all highways shown and described in the official transportation map and centerline description of the county described in subsection (a)(2)(B).
tation map and centerline description of the county described in subsection (a)(2)(C).

(d) Description of Federal land subject to easement.—

(1) In general.—All easements under subsection (c) shall include—

(A) the current disturbed width of each subject highway as shown and described in the official transportation maps and centerline descriptions; and

(B) any additional acreage on either side of the disturbed width that the respective county transportation department determines is necessary for the efficient maintenance, repair, signage, administration, and use of the Federal land subject to the easement.

(2) Description.—

(A) In general.—The exact acreage and legal description of the Federal land subject to the easements conveyed under subsection (c) shall be—

(i) as described in the centerline descriptions;

(ii) as referenced in the official transportation maps; and
(iii) as described and referenced according to the disturbed width of each highway as of the date of conveyance for travel purposes, plus any reasonable additional width as may be necessary for surface maintenance, repairs, and turnaround purposes.

(B) Survey Not Required.—Notwithstanding any other provision of law, the conveyance of easements under subsection (c) shall be effective without a survey of the exact acreage and local description of the Federal land subject to the easements.

(e) Retention of Maps and Centerline Descriptions.—The maps and centerline descriptions referred to in clauses (i) and (ii) of subsection (d)(2)(A) shall be on file in the appropriate office of the Secretary.

(f) Exclusion of Certain Class D Roads From Road Easement Conveyances.—Notwithstanding the highway rights-of-way identified on the official transportation maps and centerline descriptions, this section does not apply to any class D road located within the boundaries of—

(1) Cedar Mountain Wilderness Area designated by section 384(a) of the National Defense

(2) any wilderness study area within Box Elder County, Tooele County, or Juab County, Utah, designated in law or by administrative action.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy
may carry out new plant projects for the National Nuclear Security Administration as follows:

- Project 17–D–630, Expand Electrical Distribution System, Lawrence Livermore National Laboratory, Livermore, California, $25,000,000.
- Project 17–D–640, U1a Complex Enhancements Project, Nevada National Security Site, Mercury, Nevada, $11,500,000.
- Project 17–D–911, BL Fire System Upgrade, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,400,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

- Project 17–D–401, Saltstone Disposal Unit #7, Savannah River Site, Aiken, South Carolina, $9,729,000.
SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. INDEPENDENT ACQUISITION PROJECT REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS.

(a) In General.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by inserting after section 4732 the following new section:

"SEC. 4733. INDEPENDENT ACQUISITION PROJECT REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS.

"(a) Reviews.—The appropriate head shall ensure that an independent entity conducts reviews of each capital assets acquisition project as the project moves toward the approval of each of critical decision 0, critical decision 1, and critical decision 2 in the acquisition process."
“(b) PRE-CRITICAL DECISION 1 REVIEWS.—In addition to any other matters, with respect to each review of a capital assets acquisition project under subsection (a) that has not reached critical decision 1 approval in the acquisition process, such review shall include—

“(1) a review using best practices of the analysis of alternatives for the project; and

“(2) identification of any deficiencies in such analysis of alternatives for the appropriate head to address.

“(c) INDEPENDENT ENTITIES.—The appropriate head shall ensure that each review of a capital assets acquisition project under subsection (a) is conducted by an independent entity with the appropriate expertise with respect to the project and the stage in the acquisition process of the project.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘acquisition process’ means the acquisition process for a project, as defined in Department of Energy Order 413.3B (relating to project management and project management for the acquisition of capital assets), or a successor order.

“(2) The term ‘appropriate head’ means—
“(A) the Administrator, with respect to capital assets acquisition projects of the Administration; and

“(B) the Assistant Secretary of Energy for Environmental Management, with respect to capital assets acquisition projects of the Office of Environmental Management.

“(3) The term ‘capital assets acquisition project’ means a project that—

“(A) the total project cost of which is more than $500,000,000; and

“(B) is covered by Department of Energy Order 413.3, or a successor order, for the acquisition of capital assets for atomic energy defense activities.”.

(b) Clerical Amendment.—The table of contents for such Act is amended by inserting after the item relating to section 4732 the following new item:

“Sec. 4733. Independent acquisition project reviews of capital assets acquisition projects.”.

SEC. 3112. RESEARCH AND DEVELOPMENT OF ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.

(a) Prohibition.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017
for the Department of Energy may be obligated or ex-
pended to plan or carry out research and development of
an advanced naval nuclear fuel system based on low-en-
riched uranium.

(b) EXCEPTION.—Of the funds authorized to be ap-
propriated by this Act or otherwise made available for fis-
cal year 2017 for defense nuclear nonproliferation, as
specified in the funding table in division D, not more than
$5,000,000 shall be made available to the Deputy Admin-
istrator for Naval Reactors for initial planning and early
research and development of an advanced naval nuclear
fuel system based on low-enriched uranium.

(e) BUDGET MATTERS.—Section 3118 of the Na-
(Public Law 114–92; 129 Stat. 1196) is amended—

(1) by striking paragraph (2) of subsection (e)
and inserting the following new paragraph:

“(2) BUDGET REQUESTS.—If the Secretaries
determine under paragraph (1) that research and
development of an advanced naval nuclear fuel sys-

(63030114)
such research and development is carried out includes in the budget line item for the ‘Defense Nuclear Nonproliferation’ account amounts necessary to carry out the conceptual plan under subsection (b).’; and

(2) in subsection (d), by striking “for material management and minimization”.

SEC. 3113. DISPOSITION OF WEAPONS-USABLE PLUTONIUM.

(a) IN GENERAL.—Except as provided by subsection (c), using funds described in subsection (b), the Secretary of Energy shall carry out construction and project support activities relating to the MOX facility.

(b) FUNDS DESCRIBED.—The funds described in this subsection are the following:

(1) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the National Nuclear Security Administration for the MOX facility for construction and project support activities.

(2) Funds authorized to be appropriated for a fiscal year prior to fiscal year 2017 for the National Nuclear Security Administration for the MOX facility for construction and project support activities that are unobligated as of the date of the enactment of this Act.
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(c) WAIVER.—The Secretary may waive the require-
ment in subsection (a) to carry out construction and
project support activities relating to the MOX facility if—

(1) the Secretary submits to the congressional
defense committees—

(A) an updated performance baseline for
construction and project support activities relat-
ing to the MOX facility as required by section
3119(b) of the National Defense Authorization
Act for Fiscal Year 2016 (Public Law 114–92;
129 Stat. 1197);

(B) notification that the Secretary has
sought to enter into consultations with any rel-
vant State or government of a foreign country
necessary to pursue an alternative option for
carrying out the plutonium disposition program,
including a comprehensive description of the
status of such consultations and a detailed plan
and schedule for concluding such consultations;

(C) the commitment of the Secretary to re-
move plutonium from South Carolina and en-
sure a sustainable future for the Savannah
River Site; and

(D) either—
(i) notification that the prime contractor of the MOX facility has not submitted a proposal, during the three-month period following the date on which the Secretary requests such a proposal, for a fixed-price contract for completing construction and project support activities for the MOX facility; or

(ii) certification that such proposal is materially deficient or non-responsive, or that an alternative option for carrying out the plutonium disposition program exists and the total lifecycle cost of such alternative option would be less than approximately half of the estimated remaining total lifecycle cost of the mixed-oxide fuel program; and

(2) a period of 15 days has elapsed following the date of such submission.

(d) DEFINITIONS.—In this section:

(1) The term “MOX facility” means the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina.

(2) The term “project support activities” means activities that support the design, long-lead equip-
ment procurement, and site preparation of the MOX facility.

SEC. 3114. DESIGN BASIS THREAT.

(a) UPDATE TO ORDER.—Not later than August 31, 2016, the Secretary of Energy shall update Department of Energy Order 470.3B relating to the design basis threat for protecting nuclear weapons, special nuclear material, and other critical assets in the custody of the Department of Energy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)) should promulgate regular, biannual updates to the Nuclear Security Threat Capabilities Assessment to better inform nuclear security postures within the Department of Defense and the Department of Energy;

(2) the Department of Defense and the Department of Energy should closely, and in real-time, track and assess national, regional, and local threats to the defense nuclear facilities of the respective Departments; and

(3) the Department of Defense and the Department of Energy should regularly review assessments
and other input provided by activities described in paragraphs (1) and (2) and adjust security postures accordingly.

SEC. 3115. PROHIBITION ON AVAILABILITY OF FUNDS FOR PROVISION OF CERTAIN ASSISTANCE TO RUSSIAN FEDERATION.

(a) Prohibition.—

(1) In general.—None of the funds described in paragraph (2) may be obligated or expended to enter into a contract with, or otherwise provide assistance to, the Russian Federation.

(2) Funds described.—The funds described in this paragraph are the following:

(A) Funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for atomic energy defense activities.

(B) Funds authorized to be appropriated or otherwise made available for a fiscal year prior to fiscal year 2017 for atomic energy defense activities that are unobligated as of the date of the enactment of this Act.

(b) Waiver.—The Secretary of Energy, without delegation, may waive the prohibition in subsection (a)(1) only—
(1) to meet requirements the Secretary determines to be new and emergency in nature; and

(2) if—

(A) the Secretary submits to the appropriate congressional committees a report containing—

   (i) a notification that such a waiver is in the national security interest of the United States;

   (ii) justification for such a waiver, including an explanation of how meets the requirements under paragraph (1); and

   (iii) a certification that there is no backlog of deferred maintenance with respect to physical security equipment and related infrastructure at each Department of Energy defense nuclear facility; and

(B) a period of 15 days elapses following the date on which the Secretary submits such report.

c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

   (A) The congressional defense committees.
(B) The Committee on Foreign Relations
of the Senate and the Committee on Foreign
Affairs of the House of Representatives.

(2) The term “Department of Energy defense
nuclear facility” has the meaning given that term in
section 318 of the Atomic Energy Act of 1954 (42
U.S.C. 2286g).

SEC. 3116. LIMITATION ON AVAILABILITY OF FUNDS FOR
FEDERAL SALARIES AND EXPENSES.

Of the funds authorized to be appropriated by this
Act or otherwise made available for fiscal year 2017 for
the National Nuclear Security Administration for defense-
related Federal salaries and expenses, not more than 90
percent may be obligated or expended until the date on
which the Secretary of Energy submits to the congres-
sional defense committees and the congressional intel-
ligence committees the following:

(1) The updated plan on the designing and
building of prototypes of nuclear weapons that is re-
quired to be developed by not later than the same
time as the budget of the President for fiscal year
2018 pursuant to paragraphs (2) and (3)(B) of sec-
tion 4509(a) of the Atomic Energy Defense Act (50
U.S.C. 2660(a)(2)).
(2) A description of the determination of the Secretary under paragraph (4)(B) of such section with respect to the manner in which the designing and building of prototypes of nuclear weapons is carried out under such updated plan.

SEC. 3117. LIMITATION ON AVAILABILITY OF FUNDS FOR DEFENSE ENVIRONMENTAL CLEANUP PROGRAM DIRECTION.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for defense environmental cleanup for program direction, not more than 90 percent may be obligated or expended until the date on which the Secretary of Energy submits to Congress the future-years defense environmental cleanup plan required to be submitted during 2017 under section 4402A of the Atomic Energy Defense Act (50 U.S.C. 2582A).

SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR ACCELERATION OF NUCLEAR WEAPONS DISMANTLEMENT.

(a) LIMITATION ON MAXIMUM AMOUNT FOR DISMANTLEMENT.—Of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 through 2021 for the National Nuclear Security Administration, not more than $56,000,000
may be obligated or expended in each such fiscal year to
carry out the nuclear weapons dismantlement and disposi-
tion activities of the Administration.

(b) LIMITATION ON ACCELERATION OF DISMANTLE-
MENT ACTIVITIES.—Except as provided by subsection (d),
none of the funds authorized to be appropriated by this
Act or otherwise made available for any of fiscal years
2017 through 2021 for the National Nuclear Security Ad-
ministration may be obligated or expended to accelerate
the nuclear weapons dismantlement activities of the Ad-
ministration to a rate that exceeds the rate described in
the Stockpile Stewardship and Management Plan sched-
ule.

(c) LIMITATION ON DISMANTLEMENT OF CERTAIN
CRUISE MISSILE WARHEADS.—Except as provided by
subsection (d), none of the funds authorized to be appro-
priated by this Act or otherwise made available for any
of fiscal years 2017 through 2021 for the National Nu-
clear Security Administration may be obligated or ex-
pended to dismantle or dispose a W84 nuclear weapon.

(d) EXCEPTION.—The limitations in subsection (b)
and (c) shall not apply to the following:

(1) The dismantlement of a nuclear weapon not
covered by the Stockpile Stewardship and Manage-
ment Plan schedule if the Administrator for Nuclear
Security certifies, in writing, to the congressional defense committees that—

(A) the components of the nuclear weapon are directly required for the purposes of a current life extension program; or

(B) such dismantlement is necessary to conduct maintenance or surveillance of the nuclear weapons stockpile or to ensure the safety or reliability of the nuclear weapons stockpile.

(2) The dismantlement of a nuclear weapon if the President certifies, in writing, to the congressional defense committees that—

(A) such dismantlement is being carried out pursuant to a nuclear arms reduction treaty or similar international agreement that requires such dismantlement; and

(B) such treaty or similar international agreement—

(i) has entered into force after the date of the enactment of this Act; and

(ii) was approved—

(I) with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution.
after the date of the enactment of this Act; or

(II) by an Act of Congress, as described in section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

(e) Stockpile Stewardship and Management Plan Schedule Defined.—In this section, the term “Stockpile Stewardship and Management Plan schedule” means the schedule described in table 2–7 of the annex of the report titled “Fiscal Year 2016 Stockpile Stewardship and Management Plan” submitted in March 2015 by the Administrator for Nuclear Security to the congressional defense committees under section 4203(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2523(b)(2)).

SEC. 3119. ANNUAL CERTIFICATION OF SHIPMENTS TO WASTE ISOLATION PILOT PLANT.

(a) Annual Certification.—During the five-year period beginning on the date of the enactment of this Act, not later than February 1 of each year, the Secretary of Energy shall certify to the congressional defense committees the following, with respect to the year covered by the certification:

(1) The covered contractors have certified to the Administrator for Nuclear Security that the cov-
ered contractors are aware of the contents of each container shipped by the covered contractors to the Waste Isolation Pilot Plant, Carlsbad, New Mexico, in sufficient detail to ensure that the container is handled properly to prevent the release of radiation or contamination.

(2) The Administrator is aware of the contents of each container shipped by the Administrator or covered contractors to the Waste Isolation Pilot Plant, Carlsbad, New Mexico, in such sufficient detail.

(3) The Assistant Secretary of Energy for Environmental Management is aware of the contents of each container shipped from a clean-up site to the Waste Isolation Pilot Plant in such sufficient detail.

(b) COVERED CONTRACTORS DEFINED.—In this section, the term “covered contractors” means each management and operating contractor of a national security laboratory or nuclear weapons production facility (as such terms are defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501) that ships materials to the Waste Isolation Pilot Plant, Carlsbad, New Mexico.
Subtitle C—Plans and Reports

SEC. 3121. CLARIFICATION OF ANNUAL REPORT AND CERTIFICATION ON STATUS OF SECURITY OF ATOMIC ENERGY DEFENSE FACILITIES.

Section 4506(b)(1)(B) of the Atomic Energy Defense Act (50 U.S.C. 2657) is amended to read as follows:

“(B) written certification that such facilities are secure and that the security measures at such facilities meet the security standards and requirements of the Department of Energy.”.

SEC. 3122. ANNUAL REPORT ON SERVICE SUPPORT CONTRACTS OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3241A(f) of the National Nuclear Security Administration Act (50 U.S.C. 2441a(f)) is amended by adding at the end the following new paragraph:

“(5) With respect to each contract identified under paragraph (2)—

“(A) the cost of the contract; and

“(B) identification of the program or program direction accounts that support the contract.”.
SEC. 3123. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) Reports on Plan to Protect Against Inadvertent Release of Restricted Data and Formerly Restricted Data.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).


(1) in subsection (b)(1), by striking “, and to the Comptroller General of the United States,”;

(2) by striking subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 3124. INDEPENDENT ASSESSMENT OF TECHNOLOGY DEVELOPMENT UNDER DEFENSE ENVIRONMENTAL CLEANUP PROGRAM.

(a) Assessment.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy
shall seek to enter into an agreement with the National Academy of Sciences to conduct an independent assessment of the technology development efforts of the defense environmental cleanup program of the Department of Energy.

(b) ELEMENTS.—The assessment under subsection (a) shall include the following:

(1) A review of the technology development efforts of the defense environmental cleanup program of the Department of Energy, including an assessment of the process by which the Secretary identifies and chooses technologies to pursue under the program.

(2) A comprehensive review and assessment of technologies or alternative approaches to defense environmental cleanup efforts that could—

(A) reduce the long-term costs of such efforts;

(B) accelerate schedules for carrying out such efforts;

(C) mitigate uncertainties, vulnerabilities, or risks relating to such efforts; or

(D) otherwise significantly improve the defense environmental cleanup program.
(c) Submission.—Not later than September 30, 2017, the National Academy of Sciences shall submit to the congressional defense committees and the Secretary a report on the assessment under subsection (a).

SEC. 3125. UPDATED PLAN FOR VERIFICATION AND MONITORING OF PROLIFERATION OF NUCLEAR WEAPONS AND FISSION MATERIAL.

(a) Updated Plan.—

(1) Transmission.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a comprehensive and detailed update to the plan developed under section 3133(a) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3896) with respect to verification and monitoring relating to the potential proliferation of nuclear weapons, components of such weapons, and fissile material.

(2) Form.—The updated plan under paragraph (1) shall be transmitted in unclassified form, but may include a classified annex.

(b) Limitation.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense for sup-
porting the Executive Office of the President, $10,000,000 may not be obligated or expended until the date on which the President transmits to the appropriate congressional committees the updated plan under subsection (a)(1).

(c) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the President shall provide to the Committees on Armed Services of the House of Representatives and the Senate (and any other appropriate congressional committee upon request) an interim briefing on the updated plan under subsection (a)(1).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2017, $31,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIII—NUCLEAR ENERGY INNOVATION CAPABILITIES**

**SEC. 3301. SHORT TITLE.**

This title may be cited as the “Nuclear Energy Innovation Capabilities Act”.

**SEC. 3302. NUCLEAR ENERGY.**

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended to read as follows:

“(a) MISSION.—The Secretary shall conduct programs of civilian nuclear research, development, demonstration, and commercial application, including activi-
ties in this subtitle. Such programs shall take into consider-
ation the following objectives:

“(1) Providing research infrastructure to promote scientific progress and enable users from academia, the National Laboratories, and the private sector to make scientific discoveries relevant for nuclear, chemical, and materials science engineering.

“(2) Maintaining National Laboratory and university nuclear energy research and development programs, including their infrastructure.

“(3) Providing the technical means to reduce the likelihood of nuclear weapons proliferation and increasing confidence margins for public safety of nuclear energy systems.

“(4) Reducing the environmental impact of nuclear energy related activities.

“(5) Supporting technology transfer from the National Laboratories to the private sector.

“(6) Enabling the private sector to partner with the National Laboratories to demonstrate novel reactor concepts for the purpose of resolving technical uncertainty associated with the aforementioned objectives in this subsection.

“(b) DEFINITIONS.—In this subtitle:
“(1) ADVANCED FISSION REACTOR.—The term ‘advanced fission reactor’ means a nuclear fission reactor with significant improvements over the most recent generation of nuclear reactors, which may include inherent safety features, lower waste yields, greater fuel utilization, superior reliability, resistance to proliferation, and increased thermal efficiency.

“(2) FAST NEUTRON.—The term ‘fast neutron’ means a neutron with kinetic energy above 100 kiloelectron volts.

“(3) NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given that term in paragraph (3) of section 2, except that with respect to subparagraphs (G), (H), and (N) of such paragraph, for purposes of this subtitle the term includes only the civilian activities thereof.

“(4) NEUTRON FLUX.—The term ‘neutron flux’ means the intensity of neutron radiation measured as a rate of flow of neutrons applied over an area.

“(5) NEUTRON SOURCE.—The term ‘neutron source’ means a research machine that provides neutron irradiation services for research on materials sciences and nuclear physics as well as testing of ad-
advanced materials, nuclear fuels, and other related components for reactor systems.”.

SEC. 3303. NUCLEAR ENERGY RESEARCH PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 3304. ADVANCED FUEL CYCLE INITIATIVE.

Section 953(a) of the Energy Policy Act of 2005 (42 U.S.C. 16273(a)) is amended by striking “, acting through the Director of the Office of Nuclear Energy, Science and Technology,”.

SEC. 3305. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

Section 954(d)(4) of the Energy Policy Act of 2005 (42 U.S.C. 16274(d)(4)) is amended by striking “as part of a taking into consideration effort that emphasizes” and inserting “that emphasize”.

SEC. 3306. DEPARTMENT OF ENERGY CIVILIAN NUCLEAR INFRASTRUCTURE AND FACILITIES.

Section 955 of the Energy Policy Act of 2005 (42 U.S.C. 16275) is amended—

(1) by striking subsections (c) and (d); and

(2) by adding at the end the following:
“(c) Versatile Neutron Source.—

“(1) Mission Need.—Not later than December 31, 2016, the Secretary shall determine the mission need for a versatile reactor-based fast neutron source, which shall operate as a national user facility. During this process, the Secretary shall consult with the private sector, universities, National Laboratories, and relevant Federal agencies to ensure that this user facility will meet the research needs of the largest possible majority of prospective users.

“(2) Establishment.—Upon the determination of mission need made under paragraph (1), the Secretary shall, as expeditiously as possible, provide to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a detailed plan for the establishment of the user facility.

“(3) Facility Requirements.—

“(A) Capabilities.—The Secretary shall ensure that this user facility will provide, at a minimum, the following capabilities:

“(i) Fast neutron spectrum irradiation capability.
“(ii) Capacity for upgrades to accommodate new or expanded research needs.

“(B) CONSIDERATIONS.—In carrying out the plan provided under paragraph (2), the Secretary shall consider the following:

“(i) Capabilities that support experimental high-temperature testing.

“(ii) Providing a source of fast neutrons at a neutron flux, higher than that at which current research facilities operate, sufficient to enable research for an optimal base of prospective users.

“(iii) Maximizing irradiation flexibility and irradiation volume to accommodate as many concurrent users as possible.

“(iv) Capabilities for irradiation with neutrons of a lower energy spectrum.

“(v) Multiple loops for fuels and materials testing in different coolants.

“(vi) Additional pre-irradiation and post-irradiation examination capabilities.

“(vii) Lifetime operating costs and lifecyle costs.

“(4) REPORTING PROGRESS.—The Department shall, in its annual budget requests, provide an ex-
planation for any delay in its progress and otherwise
make every effort to complete construction and ap-
prove the start of operations for this facility by De-
cember 31, 2025.

“(5) COORDINATION.—The Secretary shall le-
verage the best practices for management, construc-
tion, and operation of national user facilities from
the Office of Science.”.

SEC. 3307. SECURITY OF NUCLEAR FACILITIES.

Section 956 of the Energy Policy Act of 2005 (42
U.S.C. 16276) is amended by striking “, acting through
the Director of the Office of Nuclear Energy, Science and
Technology,”.

SEC. 3308. HIGH-PERFORMANCE COMPUTATION AND SUP-
PORTIVE RESEARCH.

Section 957 of the Energy Policy Act of 2005 (42
U.S.C. 16277) is amended to read as follows:

“SEC. 957. HIGH-PERFORMANCE COMPUTATION AND SUP-
PORTIVE RESEARCH.

“(a) MODELING AND SIMULATION.—The Secretary
shall carry out a program to enhance the Nation’s capa-
bilities to develop new reactor technologies through high-
performance computation modeling and simulation tech-
niques. This program shall coordinate with relevant Fed-
eral agencies through the National Strategic Computing
Initiative created under Executive Order No. 13702 (July 29, 2015) while taking into account the following objectives:

“(1) Utilizing expertise from the private sector, universities, and National Laboratories to develop computational software and capabilities that prospective users may access to accelerate research and development of advanced fission reactor systems, nuclear fusion systems, and reactor systems for space exploration.

“(2) Developing computational tools to simulate and predict nuclear phenomena that may be validated through physical experimentation.

“(3) Increasing the utility of the Department’s research infrastructure by coordinating with the Advanced Scientific Computing Research program within the Office of Science.

“(4) Leveraging experience from the Energy Innovation Hub for Modeling and Simulation.

“(5) Ensuring that new experimental and computational tools are accessible to relevant research communities.

“(b) SUPPORTIVE RESEARCH ACTIVITIES.—The Secretary shall consider support for additional research activities to maximize the utility of its research facilities, includ-
ing physical processes to simulate degradation of materials
and behavior of fuel forms and for validation of computa-
tional tools.”

SEC. 3309. ENABLING NUCLEAR ENERGY INNOVATION.

Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the end the following:

“SEC. 958. ENABLING NUCLEAR ENERGY INNOVATION.

“(a) National Reactor Innovation Center.—
The Secretary shall carry out a program to enable the testing and demonstration of reactor concepts to be proposed and funded by the private sector. The Secretary shall leverage the technical expertise of relevant Federal agencies and National Laboratories in order to minimize the time required to enable construction and operation of privately funded experimental reactors at National Laboratories or other Department-owned sites. Such reactors shall operate to meet the following objectives:

“(1) Enabling physical validation of novel reactor concepts.

“(2) Resolving technical uncertainty and increasing practical knowledge relevant to safety, resilience, security, and functionality of first-of-a-kind reactor concepts.
“(3) General research and development to improve nascent technologies.

“(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of enactment of the Nuclear Energy Innovation Capabilities Act, the Secretary, in consultation with the National Laboratories, relevant Federal agencies, and other stakeholders, shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report assessing the Department’s capabilities to authorize, host, and oversee privately funded fusion and advanced fission experimental reactors as described under subsection (a). The report shall address the following:

“(1) The Department’s oversight capabilities, including options to leverage expertise from the Nuclear Regulatory Commission and National Laboratories.

“(2) Potential sites capable of hosting activities described under subsection (a).

“(3) The efficacy of the Department’s available contractual mechanisms to partner with the private sector and Federal agencies, including cooperative research and development agreements, strategic
partnership projects, and agreements for commercializing technology.

“(4) Potential cost structures related to long-term projects, including physical security, distribution of liability, and other related costs.

“(5) Other challenges or considerations identified by the Secretary.”.

SEC. 3310. BUDGET PLAN.

(a) In general.—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is further amended by adding at the end the following:

“SEC. 959. BUDGET PLAN.

“Not later than 12 months after the date of enactment of the Nuclear Energy Innovation Capabilities Act, the Department shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate 2 alternative 10-year budget plans for civilian nuclear energy research and development by the Department. The first shall assume constant annual funding for 10 years at the appropriated level for the Department’s civilian nuclear energy research and development for fiscal year 2016. The second shall be an unconstrained budget. The two plans shall include—
“(1) a prioritized list of the Department’s programs, projects, and activities to best support the development of next generation nuclear energy technology;

“(2) realistic budget requirements for the Department to implement sections 955(e), 957, and 958 of this Act; and

“(3) the Department’s justification for continuing or terminating existing civilian nuclear energy research and development programs.”.

(b) Report on Fusion Innovation.—Not later than 6 months after the date of enactment of this title, the Secretary of the Department of Energy shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that will identify engineering designs for innovative fusion energy systems that have the potential to demonstrate net energy production not later than 15 years after the start of construction. In this report, the Secretary will identify budgetary requirements that would be necessary for the Department to carry out a fusion innovation initiative to accelerate research and development of these designs.
SEC. 3311. CONFORMING AMENDMENTS.

The table of contents for the Energy Policy Act of 2005 is amended by striking the item relating to section 957 and inserting the following:

“957. High-performance computation and supportive research.
958. Enabling nuclear energy innovation.
959. Budget plan.”.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $14,950,000 for fiscal year 2017 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

Funds are hereby authorized to be appropriated for fiscal year 2017, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Adminis-
tration programs associated with maintaining the United States merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $99,902,000.

(2) For expenses necessary to support the State maritime academies, $29,550,000.

(3) For expenses necessary to support Maritime Administration operations and programs, $58,694,000.

(4) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $20,000,000, to remain available until expended.

(5) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $299,997,000.

SEC. 3502. AUTHORITY TO MAKE PRO RATA ANNUAL PAYMENTS UNDER OPERATING AGREEMENTS FOR VESSELS PARTICIPATING IN MARITIME SECURITY FLEET.

Section 53106(d) of title 46, United States Code, is amended—
(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end following:

“(4) may make a pro rata reduction in payment if sufficient funds have not been appropriated to pay the full annual payment authorized in subsection (a).”.

SEC. 3503. AUTHORITY TO EXTEND CERTAIN AGE RESTRICTIONS RELATING TO VESSELS IN THE MARITIME SECURITY FLEET.

(a) Authority.—

(1) IN GENERAL.—Section 53102 of title 46, United States Code, is amended by adding at the end the following:

“(g) Authority to extend maximum service age for vessel.—The Secretary of Defense, in conjunction with the Secretary of Transportation, may, for a particular participating fleet vessel, extend the maximum age restrictions under section 53101(5)(A)(ii) and section 53106(c)(3) for a period of up to 5 years if the Secretaries jointly determine that it is in the national interest to do so.”.
(2) CONFORMING AMENDMENT.—The heading of subsection (f) of such section is amended to read as follows: “AUTHORITY TO WAIVE AGE RESTRICTION FOR ELIGIBILITY OF A VESSEL TO BE INCLUDED IN FLEET.—”.

(b) REPEAL OF REDUNDANT AGE LIMITATION.—Section 53106(c)(3) of such title is amended—

(1) in subparagraph (A), by striking “or (C);” and inserting “; or”; 

(2) in subparagraph (B), by striking “; or” and inserting a period; and 

(3) by striking subparagraph (C).

SEC. 3504. CORRECTIONS TO PROVISIONS ENACTED BY COAST GUARD AUTHORIZATION ACTS.

(a) SHORT TITLE CORRECTION.—The Coast Guard Authorization Act of 2015 (Public Law 114–120) is amended by striking “Coast Guard Authorization Act of 2015” each place it appears (including in quoted material) and inserting “Coast Guard Authorization Act of 2016”.

(b) TITLE 46, U.S.C.—

(1) Section 7510 of title 46, United States Code, is amended—

(A) in subsection (e)(1)(D), by striking “engine” and inserting “engineer”; and
(B) in subsection (c)(9), by inserting a period after “App”;

(2) Section 4503(f)(2) of title 46, United States Code, is amended by striking “, that” and inserting “, then”.

(c) PROVISIONS RELATING TO THE Pribilof Islands.—

(1) SHORT TITLE CORRECTION.—Section 521 of the Coast Guard Authorization Act of 2016 (Public Law 114–120), as amended by subsection (a), is further amended by striking “2015” and inserting “2016”.

(2) CONFORMING AMENDMENT.—Section 105(e)(1) of the Pribilof Islands Transition Act (16 U.S.C. 1161 note; Public Law 106–562) is amended by striking “2015” and inserting “2016”.

(3) TECHNICAL CORRECTION.—Section 522(b)(2) of the Coast Guard Authorization Act of 2016 (Public Law 114–120), as amended by subsection (a), is further amended by striking “subsection (a)” and inserting “paragraph (1)”.

(d) TITLE 14, UNITED STATES CODE.—

(1) REDISTRIBUTION OF AUTHORIZATIONS OF APPROPRIATIONS.—Section 2702 of title 14, United States Code, is amended—
(A) in paragraph (1)(B), by striking “$6,981,036,000” and inserting “$6,986,815,000”; and

(B) in paragraph (3)(B), by striking “$140,016,000” and inserting “$134,237,000”.

(2) Clerical Amendment.—The analysis at the beginning of part III of title 14, United States Code, is amended by striking the period at the end of the item relating to chapter 29.

(e) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of Public Law 114–120.

SEC. 3505. STATUS OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. 4405) is amended—

(1) in subsection (a), by adding at the end the following: “Vessels in the National Defense Reserve Fleet, including vessels loaned to State Maritime Academies, shall be considered public vessels of the United States.”; and

(2) by adding at the end the following:

“(g) Vessel Status.—A vessel in the National Defense Reserve Fleet determined by the Maritime Adminis-
tration to be of insufficient value to remain in the National Defense Reserve Fleet shall remain a vessel within the meaning of that term in section 3 of title 1 and subject to the rights and responsibilities of a vessel under admiralty law at least until such time as the vessel is delivered to a dismantling facility or is disposed of otherwise from the National Defense Reserve Fleet.”

SEC. 3506. NDRF NATIONAL SECURITY MULTI-MISSION VESSEL.

(a) In General.—Subject to the availability of appropriations for fiscal year 2017 and each fiscal year thereafter, the Maritime Administrator shall seek to contract for construction of a national security multi-mission vessel for the National Defense Reserve Fleet for—

(1) use as a training vessel that can be provided to State maritime academies, under section 51504(b) of title 46, United States Code; and

(2) humanitarian assistance, disaster response, domestic and foreign emergency contingency operations, and other authorized uses of vessels of the National Defense Reserve Fleet.

(b) Construction and Documentation Requirements.—A vessel constructed under this section shall—

(1) be constructed in a private United States shipyard;
be constructed in accordance with designs approved by the Maritime Administrator; and

(3) meet—

(A) the safety requirements of the Coast Guard as a documented vessel; and

(B) the content standards of the Coast Guard to qualify the vessel for a coastwise endorsement as if such vessel were a privately owned and operated commercial vessel; and

(4) be documented under section 12103 of title 46, United States Code.

(c) Design Standards and Construction Practices.—Subject to subsection (b), construction of a vessel under this section shall use commercial design standards and commercial construction practices that are consistent with the best interests of the Federal Government.

(d) General Agent Requirement.—The Maritime Administrator shall enter into a contract or other agreement with the Secretary of the Navy under which the Navy shall act as general agent for the Maritime Administration for purposes of construction of a vessel under this section.

(e) Contracts With Other Federal Entities.—The Maritime Administrator may contract on a reimbursable basis with other Federal entities for goods and serv-
ices in connection with this section and other associated
future activities.

(f) CONTRACTORS.—Any contractor selected by the
Maritime Administration through its general agent to con-
struct the vessel under (a) shall be an entity established
under the laws of the United States or of a State, com-
monwealth, or territory of the United States, that during
the five-year period preceding the date of the enactment
of this Act, either directly or through a subsidiary, com-
pleted the construction of a vessel in excess of 10,000
gross tons and documented under section 12103 of title
46, United States Code.

(g) REPEAL OF PLAN APPROVAL REQUIREMENT.—
Section 109(j)(3) of title 49, United States Code, is re-
pealed.

SEC. 3507. UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Section 51301 of title 46, United
States Code, is amended by adding at the end the fol-
lowing:

“(c) SUPERINTENDENT.—The immediate command
of the United States Merchant Marine Academy shall be
in the Superintendent of the Academy, subject to the di-
rection of the Maritime Administrator under the general
supervision of the Secretary of Transportation. The Sec-
retary of Transportation shall appoint the Superintendent
from the senior ranks of the United States merchant marine, maritime industry, or from the retired list of flag-rank Navy or Coast Guard officers who have significant afloat command experience. Due to the unique mission of the Academy, it is highly desirable that the Superintendent be a graduate of the Academy and have attained an unlimited merchant mariner officer’s license.

“(d) COMMANDANT OF MIDSHIPMEN.—Subject to the direction of the Superintendent, the Commandant is the immediate commander of the Regiment of Midshipmen and is responsible for the instruction of all midshipmen in maritime professionalism, ethics, leadership, and military bearing necessary for future service as a licensed officer in the merchant marine and a commissioned officer in the uniformed services. The Commandant shall be appointed from the senior ranks of the United States merchant marine, maritime industry, or from the retired list of flag-rank Navy or Coast Guard officers who possess significant merchant marine experience. It is highly desirable that the Commandant have attained an unlimited merchant mariner officer’s license and is a graduate of United States Merchant Marine Academy.”.

(b) LIMITATION ON APPLICATION.—The amendment made by subsection (a) shall not apply with respect to the individual serving on the date of the enactment of this Act
as the Superintendent of the United States Merchant Marine Academy.

SEC. 3508. USE OF NATIONAL DEFENSE RESERVE FLEET SCRAPPING PROCEEDS.

Section 308704(a)(1)(C) of title 54, United States Code, is amended to read as follows:

“(C) The remainder shall be available to the Secretary to carry out the Program, as provided in subsection (b).”.

SEC. 3509. FLOATING DRY DOCKS.

Section 55122 of title 46, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) DRYDOCKS FOR CONSTRUCTION OF CERTAIN NAVAL VESSELS.—

“(1) IN GENERAL.—In the application of subsection (a)(1)(C) to a floating drydock used for the construction of naval vessels in a United States shipyard, ‘December 19, 2017’ shall be substituted for the date referred to in that subsection if the Secretary of the Navy determines that—
“(A) such a drydock is necessary for the timely completion of such construction; and

“(B)(i) such drydock is owned and operated by—

“(I) a shipyard located in the United States that is an eligible owner specified under section 12103(b); or

“(II) an affiliate of such a shipyard;

or

“(ii) such drydock is—

“(I) notwithstanding subsection (a)(1)(B), owned by the State in which the shipyard is located or a political subdivision of that State; and

“(II) operated by a shipyard located in the United States that is an eligible owner specified under section 12103(b).

“(2) NOTICE TO CONGRESS.—No later than 30 days after making a determination under paragraph (1), the Secretary of the Navy shall notify the Committee on Armed Services and the Committee on Transportation and Infrastructure of House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and
Transportation of the Senate of such a determinations.”.

TITLE XXXVI—BALLAST WATER

SEC. 3601. SHORT TITLE.

This title may be cited as the “Vessel Incidental Discharge Act”.

SEC. 3602. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term “aquatic nuisance species” means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—

(A) IN GENERAL.—The term “ballast water” means any water, including any sediment suspended in such water, taken aboard a vessel—

(i) to control trim, list, draught, stability, or stresses of the vessel; or
(ii) during the cleaning, maintenance, or other operation of a ballast water treatment technology of the vessel.

(B) EXCLUSIONS.—The term “ballast water” does not include any pollutant that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology under this title.

(4) BALLAST WATER PERFORMANCE STANDARD.—The term “ballast water performance standard” means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations, or section 151.1511 of title 33, Code of Federal Regulations, as applicable, or a revised numerical ballast water performance standard established under subsection (a)(1)(B), (b), or (e) of section 3604 of this title.

(5) BALLAST WATER TREATMENT TECHNOLOGY OR TREATMENT TECHNOLOGY.—The term “ballast water treatment technology” or “treatment technology” means any mechanical, physical, chemical, or biological process used, alone or in combination, to remove, render harmless, or avoid the uptake or
(6) **Biocide.**—The term “biocide” means a substance or organism, including a virus or fungus, that is introduced into or produced by a ballast water treatment technology to reduce or eliminate aquatic nuisance species as part of the process used to comply with a ballast water performance standard under this title.

(7) **Discharge incidental to the normal operation of a vessel.**—

(A) **In general.**—The term “discharge incidental to the normal operation of a vessel” means—

(i) a discharge into navigable waters from a vessel of—

(I)(aa) ballast water, graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system efflu-
ent, freshwater layup effluent, gas
turbine wash water, motor gasoline
and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a vessel;

(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or
(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the vessel is waterborne.

(B) EXCLUSIONS.—The term “discharge incidental to the normal operation of a vessel” does not include—

(i) a discharge into navigable waters from a vessel of—

(II) oil or a hazardous substance, as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321);

(III) sewage, as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6)); or

(IV) graywater referred to in section 312(a)(6) of the Federal Water
Pollution Control Act (33 U.S.C. 1322(a)(6));

(ii) an emission of an air pollutant resulting from the operation onboard a vessel of a vessel propulsion system, motor driven equipment, or incinerator; or

(iii) a discharge into navigable waters from a vessel when the vessel is operating in a capacity other than as a means of transportation on water.

(8) Geographically limited area.—The term “geographically limited area” means an area—

(A) with a physical limitation, including limitation by physical size and limitation by authorized route, that prevents a vessel from operating outside the area, as determined by the Secretary; or

(B) that is ecologically homogeneous, as determined by the Secretary, in consultation with the heads of other Federal departments or agencies as the Secretary considers appropriate.

(9) Manufacturer.—The term “manufacturer” means a person engaged in the manufacture, assemblage, or importation of ballast water treatment technology.
(10) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(11) **VESSEL.**—The term “vessel” means every description of watercraft or other artificial contrivance used, or practically or otherwise capable of being used, as a means of transportation on water.

**SEC. 3603. REGULATION AND ENFORCEMENT.**

(a) **IN GENERAL.**—The Secretary, in consultation with the Administrator, shall establish and implement enforceable uniform national standards and requirements for the regulation of discharges incidental to the normal operation of a vessel. The standards and requirements shall—

(1) be based upon the best available technology economically achievable; and

(2) supersede any permitting requirement or prohibition on discharges incidental to the normal operation of a vessel under any other provision of law.

(b) **ADMINISTRATION AND ENFORCEMENT.**—The Secretary shall administer and enforce the uniform national standards and requirements under this title. Each State may enforce the uniform national standards and requirements under this title.
SEC. 3604. UNIFORM NATIONAL STANDARDS AND REQUIREMENTS FOR THE REGULATION OF DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A VESSEL.

(a) Requirements.—

(1) Ballast water management requirements.—

(A) In general.—Notwithstanding any other provision of law, the requirements set forth in the final rule, Standards for Living Organisms in Ships’ Ballast Water Discharged in U.S. Waters (77 Fed. Reg. 17254 (March 23, 2012), as corrected at 77 Fed. Reg. 33969 (June 8, 2012)), shall be the management requirements for a ballast water discharge incidental to the normal operation of a vessel until the Secretary revises the ballast water performance standard under subsection (b) or adopts a more stringent State standard under subparagraph (B) of this paragraph.

(B) Adoption of more stringent state standard.—If the Secretary makes a determination in favor of a State petition under section 3609, the Secretary shall adopt the more stringent ballast water performance standard specified in the statute or regulation
that is the subject of that State petition in lieu of the ballast water performance standard in the final rule described under subparagraph (A).

(2) INITIAL MANAGEMENT REQUIREMENTS FOR DISCHARGES OTHER THAN BALLAST WATER.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall issue a final rule establishing best management practices for discharges incidental to the normal operation of a vessel other than ballast water.

(b) REVISED BALLAST WATER PERFORMANCE STANDARD; 7–YEAR REVIEW.—

(1) IN GENERAL.—Subject to the feasibility review under paragraph (2), not later than January 1, 2022, the Secretary, in consultation with the Administrator, shall issue a final rule revising the ballast water performance standard under subsection (a)(1) so that a ballast water discharge incidental to the normal operation of a vessel will contain—

(A) less than 1 living organism per 10 cubic meters that is 50 or more micrometers in minimum dimension;
(B) less than 1 living organism per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(C) concentrations of indicator microbes that are less than—

(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(ii) 126 colony-forming units of Escherichia coli per 100 milliliters; and

(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary, in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(2) FEASIBILITY REVIEW.—

(A) IN GENERAL.—Not later than January 1, 2020, the Secretary, in consultation with the Administrator, shall complete a review to deter-
mine the feasibility of achieving the revised ballast water performance standard under paragraph (1).

(B) CRITERIA FOR REVIEW OF BALLAST WATER PERFORMANCE STANDARD.—In conducting a review under subparagraph (A), the Secretary shall consider whether revising the ballast water performance standard will result in a scientifically demonstrable and substantial reduction in the risk of introduction or establishment of aquatic nuisance species, taking into account—

(i) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

(ii) improvements in ballast water treatment technology, including—

(I) the capability of such treatment technology to achieve a revised ballast water performance standard;

(II) the effectiveness and reliability of such treatment technology in the shipboard environment;
(III) the compatibility of such treatment technology with the design and operation of a vessel by class, type, and size;

(IV) the commercial availability of such treatment technology; and

(V) the safety of such treatment technology;

(iii) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

(iv) the impact of ballast water treatment technology on water quality; and

(v) the costs, cost-effectiveness, and impacts of—

(I) a revised ballast water performance standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

(II) maintaining the existing ballast water performance standard, including the potential impacts on water-related infrastructure, recre-
ation, propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

(C) LOWER REVISED PERFORMANCE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines, on the basis of the feasibility review and after an opportunity for a public hearing, that no ballast water treatment technology can be certified under section 3605 to comply with the revised ballast water performance standard under paragraph (1), the Secretary shall require the use of the treatment technology that achieves the performance levels of the best treatment technology available.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the treatment technology under clause (i) cannot be implemented before the implementation deadline under paragraph (3) with respect to a class of vessels, the Secretary shall extend
the implementation deadline for that class of vessels for not more than 36 months.

(iii) COMPLIANCE.—If the implementation deadline under paragraph (3) is extended, the Secretary shall recommend action to ensure compliance with the extended implementation deadline under clause (ii).

(D) HIGHER REVISED PERFORMANCE STANDARD.—

(i) IN GENERAL.—If the Secretary, in consultation with the Administrator, determines that ballast water treatment technology exists that exceeds the revised ballast water performance standard under paragraph (1) with respect to a class of vessels, the Secretary shall revise the ballast water performance standard for that class of vessels to incorporate the higher performance standard.

(ii) IMPLEMENTATION DEADLINE.—If the Secretary, in consultation with the Administrator, determines that the treatment technology under clause (i) can be implemented before the implementation deadline
under paragraph (3) with respect to a class of vessels, the Secretary shall accelerate the implementation deadline for that class of vessels. If the implementation deadline under paragraph (3) is accelerated, the Secretary shall provide not less than 24 months notice before the accelerated deadline takes effect.

(3) Implementation Deadline.—The revised ballast water performance standard under paragraph (1) shall apply to a vessel beginning on the date of the first drydocking of the vessel on or after January 1, 2022, but not later than December 31, 2024.

(4) Revised Performance Standard Compliance Deadlines.—

(A) In General.—The Secretary may establish a compliance deadline for compliance by a vessel (or a class, type, or size of vessel) with a revised ballast water performance standard under this subsection.

(B) Process for Granting Extensions.—In issuing regulations under this subsection, the Secretary shall establish a process for an owner or operator to submit a petition to the Secretary for an extension of a compli-
ance deadline with respect to the vessel of the owner or operator.

(C) Period of Extensions.—An extension issued under subparagraph (B) may—

(i) apply for a period of not to exceed 18 months from the date of the applicable deadline under subparagraph (A); and

(ii) be renewable for an additional period of not to exceed 18 months.

(D) Factors.—In issuing a compliance deadline or reviewing a petition under this paragraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

(i) Whether the treatment technology to be installed is available in sufficient quantities to meet the compliance deadline.

(ii) Whether there is sufficient shipyard or other installation facility capacity.

(iii) Whether there is sufficient availability of engineering and design resources.

(iv) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.
(v) Electric power generating capacity aboard the vessel.

(vi) Safety of the vessel and crew.

(E) CONSIDERATION OF PETITIONS.—

(i) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this paragraph.

(ii) DEADLINE.—If the Secretary does not approve or deny a petition referred to in clause (i) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(e) FUTURE REVISIONS OF VESSEL INCIDENTAL DISCHARGE STANDARDS; DECENNIAL REVIEWS.—

(1) REVISED BALLAST WATER PERFORMANCE STANDARDS.—The Secretary, in consultation with the Administrator, shall complete a review, 10 years after the issuance of a final rule under subsection (b) and every 10 years thereafter, to determine whether further revision of the ballast water performance standard would result in a scientifically demonstrable and substantial reduction in the risk of
the introduction or establishment of aquatic nuisance species.

(2) Revised standards for discharges other than ballast water.—The Secretary, in consultation with the Administrator, may include in a decennial review under this subsection best management practices for discharges covered by subsection (a)(2). The Secretary shall initiate a rulemaking to revise 1 or more best management practices for such discharges after a decennial review if the Secretary, in consultation with the Administrator, determines that revising 1 or more of such practices would substantially reduce the impacts on navigable waters of discharges incidental to the normal operation of a vessel other than ballast water.

(3) Considerations.—In conducting a review under paragraph (1), the Secretary, the Administrator, and the heads of other appropriate Federal agencies as determined by the Secretary, shall consider the criteria under subsection (b)(2)(B).

(4) Revision after decennial review.—The Secretary shall initiate a rulemaking to revise the current ballast water performance standard after a decennial review if the Secretary, in consultation with the Administrator, determines that revising the
current ballast water performance standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

SEC. 3605. TREATMENT TECHNOLOGY CERTIFICATION.

(a) Certification Required.—Beginning 60 days after the date that the requirements for testing protocols are issued under subsection (i), no manufacturer of a ballast water treatment technology shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for sale or resale, a ballast water treatment technology for a vessel unless the treatment technology has been certified under this section.

(b) Certification Process.—

(1) Evaluation.—Upon application of a manufacturer, the Secretary shall evaluate a ballast water treatment technology with respect to—

(A) the effectiveness of the treatment technology in achieving the current ballast water performance standard when installed on a vessel (or a class, type, or size of vessel);

(B) the compatibility with vessel design and operations;
(C) the effect of the treatment technology on vessel safety;

(D) the impact on the environment;

(E) the cost effectiveness; and

(F) any other criteria the Secretary considers appropriate.

(2) APPROVAL.—If after an evaluation under paragraph (1) the Secretary determines that the treatment technology meets the criteria, the Secretary may certify the treatment technology for use on a vessel (or a class, type, or size of vessel).

(3) SUSPENSION AND REVOCATION.—The Secretary shall establish, by regulation, a process to suspend or revoke a certification issued under this section.

(e) CERTIFICATION CONDITIONS.—

(1) IMPOSITION OF CONDITIONS.—In certifying a ballast water treatment technology under this section, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the treatment technology onboard a vessel as is necessary for—

(A) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;
(B) the protection of the environment; or

(C) the effective operation of the treatment technology.

(2) Failure to comply.—The failure of an owner or operator to comply with a condition imposed under paragraph (1) shall be considered a violation of this section.

(d) Period for use of installed treatment equipment.—Notwithstanding anything to the contrary in this title or any other provision of law, the Secretary shall allow a vessel on which a system is installed and operated to meet a ballast water performance standard under this title to continue to use that system, notwithstanding any revision of a ballast water performance standard occurring after the system is ordered or installed until the expiration of the service life of the system, as determined by the Secretary, so long as the system—

(1) is maintained in proper working condition; and

(2) is maintained and used in accordance with the manufacturer’s specifications and any treatment technology certification conditions imposed by the Secretary under this section.

(e) Certificates of type approval for the treatment technology.—
(1) Issuance.—If the Secretary approves a ballast water treatment technology for certification under subsection (b), the Secretary shall issue a certificate of type approval for the treatment technology to the manufacturer in such form and manner as the Secretary determines appropriate.

(2) Certification Conditions.—A certificate of type approval issued under paragraph (1) shall specify each condition imposed by the Secretary under subsection (c).

(3) Owners and Operators.—A manufacturer that receives a certificate of type approval for the treatment technology under this subsection shall provide a copy of the certificate to each owner and operator of a vessel on which the treatment technology is installed.

(f) Inspections.—An owner or operator who receives a copy of a certificate under subsection (e)(3) shall retain a copy of the certificate onboard the vessel and make the copy of the certificate available for inspection at all times while the owner or operator is utilizing the treatment technology.

(g) Biocides.—The Secretary may not approve a ballast water treatment technology under subsection (b) if—
(1) it uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Secretary, in consultation with Administrator, has approved the use of the biocide in such treatment technology; or

(2) it uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(h) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the use of a ballast water treatment technology by an owner or operator of a vessel shall not satisfy the requirements of this title unless it has been approved by the Secretary under subsection (b).

(2) EXCEPTIONS.—

(A) COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—An owner or operator may use a ballast water treatment technology that has not been certified by the Secretary to comply with the requirements of
this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

(B) Ballast water treatment technologies certified by foreign entities.—An owner or operator may use a ballast water treatment technology that has not been certified by the Secretary to comply with the requirements of this section if the technology has been certified by a foreign entity and the certification demonstrates performance and safety of the treatment technology equivalent to the requirements of this section, as determined by the Secretary.

(i) Testing Protocols.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall issue requirements for land-based and shipboard testing protocols or criteria for—

(1) certifying the performance of each ballast water treatment technology under this section; and

(2) certifying laboratories to evaluate such treatment technologies.
SEC. 3606. EXEMPTIONS.

(a) IN GENERAL.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any standards regarding a discharge incidental to the normal operation of a vessel under this title apply to—

(1) a discharge incidental to the normal operation of a vessel if the vessel is less than 79 feet in length and engaged in commercial service (as defined in section 2101(5) of title 46, United States Code);

(2) a discharge incidental to the normal operation of a vessel if the vessel is a fishing vessel, including a fish processing vessel and a fish tender vessel (as defined in section 2101 of title 46, United States Code);

(3) a discharge incidental to the normal operation of a vessel if the vessel is a recreational vessel (as defined in section 2101(25) of title 46, United States Code);

(4) the placement, release, or discharge of equipment, devices, or other material from a vessel for the sole purpose of conducting research on the aquatic environment or its natural resources in accordance with generally recognized scientific methods, principles, or techniques;
(5) any discharge into navigable waters from a vessel authorized by an on-scene coordinator in accordance with part 300 of title 40, Code of Federal Regulations, or part 153 of title 33, Code of Federal Regulations;

(6) any discharge into navigable waters from a vessel that is necessary to secure the safety of the vessel or human life, or to suppress a fire onboard the vessel or at a shoreside facility; or

(7) a vessel of the armed forces of a foreign nation when engaged in noncommercial service.

(b) BALLAST WATER DISCHARGES.—No permit shall be required or prohibition enforced under any other provision of law for, nor shall any ballast water performance standards under this title apply to—

(1) a ballast water discharge incidental to the normal operation of a vessel determined by the Secretary to—

(A) operate exclusively within a geographically limited area;

(B) take up and discharge ballast water exclusively within 1 Captain of the Port Zone established by the Coast Guard, unless the Secretary determines such discharge poses a sub-
stansl risk of introduction or establishment of
an aquatic nuisance species;

(C) operate pursuant to a geographic re-
striction issued as a condition under section
3309 of title 46, United States Code, or an
equivalent restriction issued by the country of
registration of the vessel; or

(D) continuously take on and discharge
ballast water in a flow-through system that
does not introduce aquatic nuisance species into
navigable waters;

(2) a ballast water discharge incidental to the
normal operation of a vessel consisting entirely of
water suitable for human consumption; or

(3) a ballast water discharge incidental to the
normal operation of a vessel in an alternative com-
pliance program established pursuant to section
3607.

(c) VESSELS WITH PERMANENT BALLAST WATER.—

No permit shall be required or prohibition enforced under
any other provision of law for, nor shall any ballast water
performance standard under this title apply to, a vessel
that carries all of its permanent ballast water in sealed
tanks that are not subject to discharge.
(d) VESSELS OF THE ARMED FORCES.—Nothing in this title shall be construed to apply to the following vessels:

(1) A vessel owned or operated by the Department of Defense (other than a time-chartered or voyage-chartered vessel).

(2) A vessel of the Coast Guard, as designated by the Secretary of the department in which the Coast Guard is operating.

SEC. 3607. ALTERNATIVE COMPLIANCE PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator, may promulgate regulations establishing 1 or more compliance programs as an alternative to ballast water management regulations issued under section 3604 for a vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters;

(2) is less than 3 years from the end of the useful life of the vessel, as determined by the Secretary; or

(3) discharges ballast water into a facility for the reception of ballast water that meets standards promulgated by the Administrator, in consultation with the Secretary.
(b) PROMULGATION OF FACILITY STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall promulgate standards for—

(1) the reception of ballast water from a vessel into a reception facility; and

(2) the disposal or treatment of the ballast water under paragraph (1).

SEC. 3608. JUDICIAL REVIEW.

(a) IN GENERAL.—An interested person may file a petition for review of a final regulation promulgated under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—A petition shall be filed not later than 120 days after the date that notice of the promulgation appears in the Federal Register.

(c) EXCEPTION.—Notwithstanding subsection (b), a petition that is based solely on grounds that arise after the deadline to file a petition under subsection (b) has passed may be filed not later than 120 days after the date that the grounds first arise.

SEC. 3609. EFFECT ON STATE AUTHORITY.

(a) IN GENERAL.—No State or political subdivision thereof may adopt or enforce any statute or regulation of the State or political subdivision with respect to a dis-
charge incidental to the normal operation of a vessel after
the date of enactment of this Act.

(b) SAVINGS CLAUSE.—Notwithstanding subsection
(a), a State or political subdivision thereof may enforce
a statute or regulation of the State or political subdivision
with respect to ballast water discharges incidental to the
normal operation of a vessel that specifies a ballast water
performance standard that is more stringent than the bal-
last water performance standard under section
3604(a)(1)(A) and is in effect on the date of enactment
of this Act if the Secretary, after consultation with the
Administrator and any other Federal department or agen-
ecy the Secretary considers appropriate, makes a deter-
mination that—

(1) compliance with any performance standard
specified in the statute or regulation can in fact be
achieved and detected;

(2) the technology and systems necessary to
comply with the statute or regulation are commer-
cially available; and

(3) the statute or regulation is consistent with
obligations under relevant international treaties or
agreements to which the United States is a party.

(c) PETITION PROCESS.—
1061

(1) Submission.—The Governor of a State seeking to enforce a statute or regulation under subsection (b) shall submit a petition requesting the Secretary to review the statute or regulation.

(2) Contents; Deadline.—A petition shall—

(A) be accompanied by the scientific and technical information on which the petition is based; and

(B) be submitted to the Secretary not later than 90 days after the date of enactment of this Act.

(3) Determinations.—The Secretary shall make a determination on a petition under this subsection not later than 90 days after the date that the petition is received.

SEC. 3610. APPLICATION WITH OTHER STATUTES.

Notwithstanding any other provision of law, this title shall be the exclusive statutory authority for regulation by the Federal Government of discharges incidental to the normal operation of a vessel to which this title applies. Except as provided under section 3604(a)(1)(A), any regulation in effect on the date immediately preceding the effective date of this Act relating to any permitting requirement for or prohibition on discharges incidental to the normal operation of a vessel to which this title applies
shall be deemed to be a regulation issued pursuant to the
authority of this title and shall remain in full force and
effect unless or until superseded by new regulations issued
hereunder.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this
division specifies a dollar amount authorized for a project,
program, or activity, the obligation and expenditure of the
specified dollar amount for the project, program, or activ-
ity is hereby authorized, subject to the availability of ap-
propriations.

(b) MERIT-BASED DECISIONS.—A decision to com-
mit, obligate, or expend funds with or to a specific entity
on the basis of a dollar amount authorized pursuant to
subsection (a) shall—

(1) be based on merit-based selection proce-
dures in accordance with the requirements of sec-
tions 2304(k) and 2374 of title 10, United States
Code, or on competitive procedures; and

(2) comply with other applicable provisions of
law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAM-
MING AUTHORITY.—An amount specified in the funding
tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) Applicability to Classified Annex.—This section applies to any classified annex that accompanies this Act.

(e) Oral and Written Communications.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

**TITLE XLI—PROCUREMENT**

**SEC. 4101. PROCUREMENT.**

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**Total Aircraft Procurement, Army**

- **SEC. 4101. PROCUREMENT**
- **In Thousands of Dollars**

**Missile Procurement, Army**

- **Surface-to-Air Missile System**
- **Modification of Tracked Combat Vehicles**
- **Protection & Other Combat Vehicles**

**Procurement of W&TC, Army**

- **Tracked Combat Vehicles**

**Ground Support Avionics**

- **Avionics Support Equipment**
- **Aircrew Integrated Systems**
- **Air Traffic Control**
- **Industrial Facilities**

**Launcher, 2.75 Rocket**

**Total Aircraft Procurement, Army**

- **Surface-to-Air Missile System**
- **Modification of Tracked Combat Vehicles**
- **Protection & Other Combat Vehicles**

**Procurement of W&TC, Army**

- **Tracked Combat Vehicles**

**Ground Support Avionics**

- **Avionics Support Equipment**
- **Aircrew Integrated Systems**
- **Air Traffic Control**
- **Industrial Facilities**

**Launcher, 2.75 Rocket**

**Total Aircraft Procurement, Army**
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**PROCUREMENT OF AMMUNITION, ARMY**

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Note: Figures in thousands of dollars.

# Table Breakdown

**Engineer (Non-Construction) Equipment**
- **GEND STANDOFF MINE DETECTION SYSTEM (SCAMIDS)**: 39,150
- **AREA MINE DETECTION SYSTEM (AMDS)**: 10,500

**Robotic Combat Support System (RCSS)**
- **MODIFICATION**: 28,058

**EOD Robotics Systems Recapitalization**
- **MODIFICATION**: 1,949

**Robotics and Applique Systems**
- **MODIFICATION**: 5,201

**Electronics—Audio Visual Sys (AV)**
- **MODIFICATION**: 1,191

**Electronics—Sustainment**
- **MOD MODIFICATION**: 1,995

**Electronics—Support (C-E)**
- **MODIFICATION**: 401

**Communications—Audio Visual Sys (AV)**
- **MODIFICATION**: 1,191

**Communications—Sustainment**
- **MODIFICATION**: 1,995

**Electronics—Tactical Surv. (TAC SURV)**
- **MODIFICATION**: 314,509

**Electronics—Tactical C2 Systems**
- **MODIFICATION**: 8,860

**Electronics—Tactical Data Processing**
- **MODIFICATION**: 107,960

**Electronics—Tactical Systems**
- **MODIFICATION**: 6,416

**Electronics—Tactical Command**
- **MODIFICATION**: 137,501

**Electronics—Tactical Computing**
- **MODIFICATION**: 50,726

**Electronics—Tactical Core**
- **MODIFICATION**: 29,058

**Electronics—Tactical Core**
- **MODIFICATION**: 5,924

**Electronics—Tactical Control**
- **MODIFICATION**: 22,511

**Electronics—Tactical Control**
- **MODIFICATION**: 3,235

**Electronics—Tactical Control**
- **MODIFICATION**: 733

**Electronics—Tactical Control**
- **MODIFICATION**: 1,740

**Electronics—Tactical Control**
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**Electronics—Tactical Control**
- **MODIFICATION**: 176

**Electronics—Tactical Control**
- **MODIFICATION**: 40,171

**Electronics—Tactical Control**
- **MODIFICATION**: 165,029

**Electronics—Tactical Control**
- **MODIFICATION**: 15,885

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- **MODIFICATION**: 48,427

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**Electronics—Tactical Control**
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**Electronics—Tactical Control**
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**Electronics—Tactical Control**
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**Electronics—Tactical Control**
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**Electronics—Tactical Control**
- **MODIFICATION**: 29,825

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- **MODIFICATION**: 1,191

**Electronics—Tactical Control**
- **MODIFICATION**: 1,995

**Electronics—Tactical Control**
- **MODIFICATION**: 401
## SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

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### SEC. 4101. PROCUREMENT

#### (In Thousands of Dollars)

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#### AIRCRAFT PROCUREMENT, NAVY

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#### TRAINERS AIRCRAFT

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#### OTHER AIRCRAFT

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#### MODIFICATION OF AIRCRAFT

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#### AIRCRAFT SPARES AND REPAIR PARTS

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#### AIRCRAFT SUPPORT EQUIP & FACILITIES

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**MODIFICATION OF MISSILES**

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**SUPPORT EQUIPMENT & FACILITIES**

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**TORPEDOES AND RELATED EQUIP**

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**MOD OF TORPEDOES AND RELATED EQUIP**

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**SUPPORT EQUIPMENT**

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**GUNS AND GUN MOUNTS**

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<th>Line</th>
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<td>032</td>
<td>Small Arms and Weapons</td>
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**MODIFICATION OF GUNS AND GUN MOUNTS**

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<td>Gun Mount MODS</td>
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<td>037</td>
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**SPARES AND REPAIR PARTS**

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**TOTAL WEAPONS PROCUREMENT, NAVY**

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**NAVY AMMUNITION**

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**MARINE CORPS AMMUNITION**

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**SHIPBUILDING AND CONVERSION, NAVY**

**FLEET BALLISTIC MISSILE SHIPS**

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**OTHER WARSHIPS**

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**AMPHIBIOUS SHIPS**

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**OTHER PROCUREMENT, NAVY**

**SHIP PROPULSION EQUIPMENT**

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**NAVIGATION EQUIPMENT**

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**OTHER SHIPBOARD EQUIPMENT**

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**REACTOR PLANT EQUIPMENT**

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**OCEAN ENGINEERING**

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**SMALL BOATS**

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**PRODUCTION FACILITIES EQUIPMENT**

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**OTHER SHIP SUPPORT**

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**LOGISTIC SUPPORT**

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**Total Procurement, Marine Corps**

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### SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

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### MISSILE PROCUREMENT, AIR FORCE

#### MISSILE REPLACEMENT EQUIPMENT—BALLISTIC

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### CLASS IV

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### MISSILE SPARES AND REPAIR PARTS

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### SPACE PROCUREMENT, AIR FORCE

#### SPACE PROGRAMS

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### (In Thousands of Dollars)

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**TOTAL MATERIALS HANDLING EQUIPMENT**

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**TOTAL ELECTRONICS PROGRAMS**

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### GENERAL INFORMATION TECHNOLOGY

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**TOTAL GENERAL INFORMATION TECHNOLOGY**

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**Note:** The table above represents the procurement budget for various items and categories, with details for specific line items and their authorized amounts for FY 2017.
## 4101. PROCUREMENT

### (In Thousands of Dollars)

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**TOTAL OTHER PROCUREMENT, AIR FORCE**

| 17,438,056 | 17,438,056 |

**PROCUREMENT, DEFENSE-WIDE**

**MAJOR EQUIPMENT, WHS**

| 037 | MAJOR EQUIPMENT, (OOF) | 29,211 | 29,211 |

**MAJOR EQUIPMENT, NSA**

| 036 | INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) | 4,399 | 4,399 |
| 040 | MAJOR EQUIPMENT, WHS | 24,979 | 24,979 |

**MAJOR EQUIPMENT, DISA**

| 006 | INFORMATION SYSTEMS SECURITY | 21,347 | 21,347 |
| 007 | TELEPORT PROGRAM | 50,597 | 50,597 |
| 008 | ITEMS LESS THAN $2 MILLION | 10,420 | 10,420 |
| 009 | DEFENSE INFORMATION SYSTEMS NETWORK | 1,634 | 1,634 |
| 010 | DEFENSE INFORMATION SYSTEMS SECURITY | 87,235 | 87,235 |
| 011 | CYBER SECURITY INITIATIVE | 4,528 | 4,528 |
| 012 | WHITE HOUSE COMMUNICATIONS | 36,846 | 36,846 |
| 013 | SENIOR LEADERSHIP ENTERPRISE | 589,191 | 589,191 |
| 015 | JOINT REGIONAL SECURITY STACK (SRSS) | 150,221 | 150,221 |

**MAJOR EQUIPMENT, DLA**

| 017 | MAJOR EQUIPMENT | 2,055 | 2,055 |

**MAJOR EQUIPMENT, DSS**

| 020 | MAJOR EQUIPMENT | 1,057 | 1,057 |

**MAJOR EQUIPMENT, DCAA**

| 001 | ITEMS LESS THAN $2 MILLION | 2,964 | 2,964 |

**MAJOR EQUIPMENT, JTS**

| 038 | MAJOR EQUIPMENT, JTS | 7,088 | 7,088 |

**MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY**

| 021 | THAAD | 369,608 | 369,608 |
| 024 | ARIS-AF | 463,801 | 528,801 |
| 025 | EIDSS ANP-2 RADAR | 5,501 | 5,501 |
| 026 | ARID RV UPPER TIER | 120,000 | 120,000 |
| 027 | DAVIDS AFLENG | 150,000 | 150,000 |
| 028 | ARIS ASHORE PHASE III | 57,493 | 82,493 |

**Classified adjustment**

### f:\VHLC\050316\050316.180.xml

May 3, 2016 (4:48 p.m.)

(63030114)
### SEC. 4101. PROCUREMENT

#### (In Thousands of Dollars)

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### 1 SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

#### OPERATIONS.

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f:\VHL\050316\050316.180.xml (63030114) May 3, 2016 (4:48 p.m.)
### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

(in Thousands of Dollars)

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**OTHER PROCUREMENT, ARMY**

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### SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS

*(In Thousands of Dollars)*

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1 **SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.**

2 **OPERATIONS FOR BASE REQUIREMENTS.**

## SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

*(In Thousands of Dollars)*

<table>
<thead>
<tr>
<th>Line</th>
<th>Item</th>
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<th>House Authorized</th>
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May 3, 2016 (4:48 p.m.)
### SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

**Table: Procurement for Overseas Contingency Operations for Base Requirements**

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**UNAUTHORIZED**

- **TOTAL PROCUREMENT OF AMMUNITION, ARMY**: 287,700

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**Note:** The table provides a breakdown of the procurement for overseas contingency operations for base requirements, categorized by line item, item description, FY 2017 request, and the authorized amount. The total procurement amount for various categories is also listed, such as total procurement of weapons & combat vehicles, total procurement of ammunition, and total procurement of aircraft.
## SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

(In Thousands of Dollars)

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SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

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### SEC. 4103. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

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### TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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**ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES**

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**SYSTEM DEVELOPMENT & DEMONSTRATION**

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*Program Increase— all digital radar technology for CRAM* [8,800]
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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### OPERATIONAL SYSTEMS DEVELOPMENT

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CH–53K RDTE .......................................................................................
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COMMON AVIONICS ............................................................................
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MQ-XX .....................................................................................................
Excess Obligation .............................................................................
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## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(In Thousands of Dollars)

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### ADVANCED TECHNOLOGY DEVELOPMENT

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**WEATHER SYSTEM FOLLOW-ON**

Transfer Cloud Characterization and Theater Weather Imagery to NJRO [−5,000]

**SPACE SITUATION AWARENESS SYSTEMS**

9,363 9,363

**DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D**

25,890 25,890

**OPERATIONALLY RESPONSIVE SPACE**

7,921 7,921

**RESPONSIVE Launch and Reconnaissance**

[−20,000]

**TECH TRANSITION PROGRAM**

347,304 347,304

**GROUND BASED STRATEGIC DEFENDER**

113,919 113,919

**NEXT GENERATION AIR DOMINANCE**

20,055 15,055

**THREE DIMENSIONAL LONG-RANGE RADAR (THLR)**

49,491 39,491

**NORTHSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)**

278,147 278,147

**COMMON DATA LINK EXECUTIVE AGENT (CDEA)**

42,338 42,338

**CYBER OPERATIONS TECHNOLOGY DEVELOPMENT**

158,002 158,002

**ENABLED CYBER ACTIVITIES**

15,842 15,842

**CONTRACTING INFORMATION TECHNOLOGY SYSTEM**

2,847,833 2,847,833

### SYSTEM DEVELOPMENT & DEMONSTRATION

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**Evolved Expendable Launch Vehicle Program (Space)—EMD**

Launch System Investment (launch vehicle, upper stage, strap-on motor, or related infrastructure) [100,000]

Next Generation Launch System Investment [−296,572]

**ROCKET PROPULSION SYSTEM**

220,000

**Rocket Propulsion System Research and Development of RD–180**

[220,000]

**LONG RANGE STANDOFF WEAPON**

95,004 95,004

**F–35 MODERNIZATION**

189,751 189,751

**JOINT TACTICAL NETWORK CENTER (JTNCC)**

1,131 1,131

**F–22 MODERNIZATION INVESTMENT 2.25**

79,289 79,289

**GROUND ATTACK WEAPONS MODERNIZATION DEVELOPMENT**

937 937

**46–46**

261,724 121,724

**Scope Reduction**

[−140,000]
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**OPERATIONAL SYSTEMS DEVELOPMENT**

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### Advanced Component Development & Prototype Programs

**Nuclear and Conventional Physical Security Equipment**
- Request: 28,498
- Authorized: 28,498

**Wall-off**
- Request: 89,643
- Authorized: 89,643

**Acquisition Enterprise Data & Information Services**
- Request: 2,136
- Authorized: 2,136

**Environmental Security Technical Certification Program**
- Request: 52,491
- Authorized: 52,491

**Ballistic Missile Defense Terminal Defense Segment**
- Request: 206,834
- Authorized: 206,834

**Ballistic Missile Defense Midcourse Defense Segment**
- Request: 862,080
- Authorized: 862,080

**Chemical and Biological Defense Program**
- Request: 138,187
- Authorized: 138,187

**Ballistic Missile Defense Sensors**
- Request: 230,077
- Authorized: 230,077

**R&D Enabling Programs**
- Request: 401,594
- Authorized: 401,594

**Special Programs—MDA**
- Request: 321,607
- Authorized: 321,607

**ARIS IMD**
- Request: 939,066
- Authorized: 939,066

**Space Tracking & Surveillance System**
- Request: 32,129
- Authorized: 32,129

**Ballistic Missile Defense Space Programs**
- Request: 20,690
- Authorized: 20,690

**Ballistic Missile Defense Command And Control, Rattle Management and Communication**
- Request: 419,817
- Authorized: 419,817

**Ballistic Missile Defense Joint Warfighter Support**
- Request: 47,776
- Authorized: 47,776

**Missile Defense Integration & Operations Center (MDIOC)**
- Request: 54,750
- Authorized: 54,750

**Regarding Trench**
- Request: 8,765
- Authorized: 8,765

**Sea-Based X-Band Radar (SBX)**
- Request: 68,787
- Authorized: 68,787

**Israeli cooperative programs**
- Request: 103,835
- Authorized: 293,835

**Directed Energy Cooperation through MDAP**
- Increase for Cooperative Development Programs subject to Title XVI
- Request: [25,000]
- Authorized: [25,000]

**Missile Defense Test Site**
- Request: 293,441
- Authorized: 293,441

**Humanitarian Demining**
- Request: 10,007
- Authorized: 10,007

**Coalition Warfare**
- Request: 10,126
- Authorized: 10,126

**Department of Defense Coordination Program**
- Request: 3,893
- Authorized: 3,893

**Technology Maturation Initiatives**
- Request: 105,266
- Authorized: 105,266

**Directed Energy Acceleration—Low Power Laser Demonstrator**
- In Title XVI
- Request: [15,000]
- Authorized: [15,000]

**Missile Defense Project**
- Request: 45,000
- Authorized: 45,000

**Advanced Innovative Technologies**
- Request: 844,870
- Authorized: 804,870

**SOI**
- In Title XVI
- Request: [40,000]
- Authorized: [40,000]

**Department of Defense (DOD) Unmanned System Common Development**
- Request: 3,220
- Authorized: 3,220

**Wargaming and Support for Strategic Analysis (SAS)**
- Request: 4,000
- Authorized: 4,000

**Joint US Capability Development, Integration and Interoperability Assessments**
- Request: 23,642
- Authorized: 23,642

**Long Range Discrimination Radar (LRDR)**
- Request: 162,012
- Authorized: 162,012

**Improved Homeland Defense Interceptors**
- Request: 274,148
- Authorized: 274,148
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**SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES**

| 115A | 0604XXD        | WEATHER SYSTEM FOLLOW-ON | 5,000 |
|      |                | Transfer Cloud Characterization and Theater Weather Imagery from USAF | 5,000 |

**SYSTEM DEVELOPMENT AND DEMONSTRATION**

| 116  | 0604161D11Z    | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD | 10,324 | 10,324 |
| 117  | 0604163D11Z    | PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT | 181,101 | 186,301 |
| 118  | 0604164F11P    | EXAMINATION OF ARMY LAND-ATTACK AND AIRCRAFT CAPABILITY | 266,231 | 266,231 |
| 119  | 0604164K       | ADVANCED IT SERVICES JOINT PROGRAM OFFICE (JITS- JPO) | 15,000 |
|      |                | Commercial IT Core Program | 15,000 |
| 120  | 0604171D11Z    | JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) | 16,288 | 16,288 |
| 121  | 060500DR       | WEAPONS OF MASS DESTRUCTION DEFECT CAPABILITIES | 4,568 | 4,568 |
| 122  | 0605011E       | INFORMATION TECHNOLOGY DEVELOPMENT | 13,505 | 13,505 |
| 123  | 0605012E       | HOMELAND PERSONNEL SECURITY INITIATIVE | 1,658 | 1,658 |
| 124  | 0605022D11Z    | DEFENSE EXPORTABILITY PROGRAM | 2,920 | 2,920 |
| 125  | 0605070E       | DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION | 12,631 | 12,631 |
| 126  | 0605080E       | DEFENSE AGENCY INITIATIVES (DAFI) - FINANCIAL SYSTEM | 26,657 | 26,657 |
| 127  | 0605098E       | DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS) | 4,949 | 4,949 |
| 128  | 0605100E       | TRUSTED VOUCHER | 69,000 | 69,000 |
| 129  | 0605101D11Z    | DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES | 9,881 | 9,881 |
| 130  | 0605104K       | GLOBAL COMBAT SUPPORT SYSTEM | 7,600 | 7,600 |
| 131  | 0605104D11Z    | DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (DEIM) | 2,703 | 2,703 |

**SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION**

<p>| 132  | 0605105E       | JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) | 32,759 | 32,759 |
| 133  | 0605106E       | NUCLEAR MATTERS-PHYSICAL SECURITY | 5,302 | 5,302 |
| 134  | 0605107E       | DEFENSE TECHNOLOGY ANALYSIS | 22,650 | 22,650 |
| 135  | 0605108E       | SMALL BUSINESS INNOVATION RESEARCH (SBIR/STTR) | 4,759 | 4,759 |
| 136  | 0605109E       | BUSINESS TECHNOLOGY TRANSFER | 19,541 | 23,541 |
| 137  | 0605110E       | TECHNICAL SUPPORT | 9,881 | 9,881 |
| 138  | 0605111E       | MISSION SUPPORT | 28,706 | 28,706 |
| 139  | 0605112E       | CENTRAL TEST AND EVALUATION | 4,014 | 4,014 |
| 140  | 0605113E       | JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) | 87,080 | 87,080 |
| 141  | 0605114E       | TECHNICAL STUDIES, SUPPORT AND ANALYSIS | 23,069 | 23,069 |
| 142  | 0605115E       | JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) | 32,759 | 32,759 |
| 143  | 0605116E       | SYSTEMS ENGINEERING | 32,429 | 32,429 |
| 144  | 0605117E       | STUDIES AND ANALYSIS SUPPORT | 3,797 | 3,797 |
| 145  | 0605118E       | NUCLEAR MATTERS-PHYSICAL SECURITY | 5,302 | 5,302 |
| 146  | 0605119E       | SUPPORT TO NETWORKS AND INFORMATION INTEGRATION | 7,246 | 7,246 |
| 147  | 0605120E       | GENERAL SUPPORT TO U.S. INTELLIGENCE | 3,797 | 3,797 |
| 148  | 0605121E       | NUCLEAR MATTERS-PHYSICAL SECURITY | 5,302 | 5,302 |
| 149  | 0605122E       | SMALL BUSINESS INNOVATION RESEARCH (SBIR/STTR) | 2,147 | 2,147 |
| 150  | 0605123E       | DEFENSE TECHNOLOGY ANALYSIS | 22,650 | 22,650 |
| 151  | 0605124E       | DEFENSE TECHNICAL INFORMATION CENTER (DITC) | 43,834 | 43,834 |
| 152  | 0605125E       | BLD IN SUPPORT OF DOD ENLISTMENT, TRAINING AND EVALUATION | 22,400 | 22,400 |
| 153  | 0605126E       | DEVELOPMENT TEST AND EVALUATION | 19,541 | 23,541 |
| 154  | 0605127E       | DAS/DITC | 4,000 | 4,000 |
| 155  | 0605128E       | MANAGEMENT SUPPORT | 4,000 | 4,000 |
| 156  | 0605129E       | MANAGEMENT SUPPORT | 4,000 | 4,000 |
| 157  | 0605130E       | SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES | 857 | 857 |</p>
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<th>Line</th>
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<th>Item</th>
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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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### SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

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### TITLE XLIII—OPERATION AND MAINTENANCE

### SEC. 4301. OPERATION AND MAINTENANCE.

#### SEC. 4301. OPERATION AND MAINTENANCE

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### SEC. 4301. OPERATION AND MAINTENANCE

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#### UNDISTRIBUTED

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Historical unobligated balances | -174,100 |
Prohibition on Per Diem Allowance Reduction | [5,400] |

**SUBTOTAL UNDISTRIBUTED** | -585,600 |

**TOTAL OPERATION & MAINTENANCE, NAVY** | 39,483,581 | 38,914,381 |

**OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES**
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### SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

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**TOTAL OPERATION & MAINTENANCE, AIR FORCE**

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<th>House</th>
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<tbody>
<tr>
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<td><strong>OPERATION &amp; MAINTENANCE, AF RESERVE</strong></td>
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**ADMINISTRATION AND SERVICEWIDE ACTIVITIES**

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**UNDISTRIBUTED**

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**TOTAL OPERATION & MAINTENANCE, AF RESERVE**

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**ADMINISTRATION AND SERVICE-WIDE ACTIVITIES**

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## SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

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SEC. 4301. OPERATION AND MAINTENANCE

(In Thousands of Dollars)

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MISCELLANEOUS APPROPRIATIONS

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SUBTOTAL MISCELLANEOUS APPROPRIATIONS | 1,474,466 | 1,474,466 |

TOTAL MISCELLANEOUS APPROPRIATIONS | 1,474,466 | 1,474,466 |

TOTAL OPERATION & MAINTENANCE | 171,318,488 | 169,325,271 |

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

1

CONTINGENCY OPERATIONS.

2

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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May 3, 2016 (4:48 p.m.)

(63030114)
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<td><strong>ADMIN &amp; SRVWIDE ACTIVITIES</strong></td>
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### Security for Overseas Contingency Operations

**UNCOORDINATED**

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**TOTAL UNCOORDINATED**

**TOTAL OPERATION & MAINTENANCE, ARNG**

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**AFGHANISTAN SECURITY FORCES FUND**

**MINISTRY OF DEFENSE**

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**SUBTOTAL MINISTRY OF DEFENSE**

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**MINISTRY OF INTERIOR**

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**SUBTOTAL MINISTRY OF INTERIOR**

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**TOTAL AFGHANISTAN SECURITY FORCES FUND**

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**IRAQ TRAIN AND EQUIP FUND**

**IRAQ TRAIN AND EQUIP FUND**

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**SUBTOTAL IRAQ TRAIN AND EQUIP FUND**

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**UNDISTRIBUTED**

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**TOTAL IRAQ TRAIN AND EQUIP FUND**

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**SYRIA TRAIN AND EQUIP FUND**

**SYRIA TRAIN AND EQUIP FUND**

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**SUBTOTAL SYRIA TRAIN AND EQUIP FUND**

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**TOTAL SYRIA TRAIN AND EQUIP FUND**

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**OPERATION & MAINTENANCE, NAVY**

**OPERATING FORCES**

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

#### (In Thousands of Dollars)

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#### MOBILIZATION

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#### TRAINING AND RECRUITING

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#### ADMIN & SRVWD ACTIVITIES

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#### UNDISTRIBUTED

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#### TOTAL OPERATION & MAINTENANCE, NAVY

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### OPERATION AND MAINTENANCE, MARINE CORPS

#### OPERATING FORCES

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#### TRAINING AND RECRUITING

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#### ADMIN & SRVWD ACTIVITIES

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#### UNDISTRIBUTED

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## SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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### SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(\(\text{In Thousands of Dollars}\))

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**TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE**

\(5,944,129\) \(3,704,851\)

**TOTAL OPERATION & MAINTENANCE**

\(39,860,202\) \(24,629,211\)

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### SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

(\(\text{In Thousands of Dollars}\))

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**ADMIN & SRVWIDE ACTIVITIES**

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## SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

(Thousands of Dollars)

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### TOTAL OPERATION & MAINTENANCE, ARMY

|       | 1,586,475 | 3,881,409 |

### OPERATION & MAINTENANCE, ARMY RES

#### OPERATING FORCES

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### TOTAL OPERATION & MAINTENANCE, ARMY RES

|       | 14,559 | 235,459 |

### OPERATION & MAINTENANCE, ARNG

#### OPERATING FORCES

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### TOTAL OPERATION & MAINTENANCE, ARNG

|       | 60,128 | 386,228 |

### OPERATION & MAINTENANCE, NAVY

#### OPERATING FORCES

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### SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS (In Thousands of Dollars)

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**SUBTOTAL OPERATING FORCES**: 1,452,302

**MOBILIZATION**

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**ADMIN & SRVWD ACTIVITIES**

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**TOTAL OPERATION & MAINTENANCE, NAVY**: 1,481,516

**OPERATION & MAINTENANCE, MARINE CORPS OPERATING FORCES**

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**SUBTOTAL OPERATING FORCES**: 489,050

**TOTAL OPERATION & MAINTENANCE, MARINE CORPS**: 489,050

**OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES**

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**SUBTOTAL OPERATING FORCES**: 12,100

**TOTAL OPERATION & MAINTENANCE, NAVY RES**: 12,100

**OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES**

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## SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS

*(In Thousands of Dollars)*

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SEC. 4303. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS
(In Thousands of Dollars)

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1 TITLE XLIV—MILITARY PERSONNEL

2 SEC. 4401. MILITARY PERSONNEL

3 SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

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<td>Medicare-Eligible Retiree Health Fund Contributions</td>
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<td>6,366,908</td>
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4 SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS

5 SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2017 Request</th>
<th>House Authorized</th>
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<tbody>
<tr>
<td>Maintain end strength of 9,800 in Afghanistan</td>
<td>3,499,293</td>
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<tr>
<td>Pro rata OCO allocation in support of base readiness requirements</td>
<td>[130,300]</td>
<td></td>
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<tr>
<td>Pro hibition on Per Diem Allowance Reduction</td>
<td>[–1,430,021]</td>
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</table>
SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

SEC. 4403. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.
(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2017 Request</th>
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<tbody>
<tr>
<td>Military Personnel Appropriations</td>
<td>62,965</td>
<td>2,572,715</td>
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<tr>
<td>Fund active Air Force end strength to 321k</td>
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<td>[145,000]</td>
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<tr>
<td>Fund active Army end strength to 480k</td>
<td></td>
<td>[1,123,500]</td>
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<tr>
<td>Fund active Marine Corps end strength to 185k</td>
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<td>[300,000]</td>
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<tr>
<td>Fund active Navy end strength</td>
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<td>[65,300]</td>
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<tr>
<td>Fund Army National Guard end strength to 350k</td>
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<td>[303,700]</td>
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<tr>
<td>Fund Army Reserves end strength to 205k</td>
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<td>[166,650]</td>
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<td>Marine Corps—Bonus Pay/PCS Residual/Foreign Language Bonus</td>
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<td>[75,600]</td>
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<tr>
<td>Military Personnel Pay Raise</td>
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<td>[330,000]</td>
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<td>Medicare-Eligible Retiree Health Fund Contributions</td>
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<tr>
<td>Increase associated with additional end strength</td>
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TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

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<td>SUPPLY CHAIN MANAGEMENT—DEF</td>
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<td>37,132</td>
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<td>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</td>
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<td>NATIONAL SEA-BASED DETERRENCE FUND</td>
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<td>DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION</td>
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<tr>
<td>Foreign Currency adjustments</td>
<td>[−20,400]</td>
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<tr>
<td>Historical unobligated balances</td>
<td>[−399,100]</td>
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## SEC. 4501. OTHER AUTHORIZATIONS

(In Thousands of Dollars)

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2017 Request</th>
<th>House Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUBTOTAL UNDISTRIBUTED</strong></td>
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<td><strong>TOTAL DEFENSE HEALTH PROGRAM</strong></td>
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## SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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</tr>
<tr>
<td><strong>INDUSTRIAL OPERATIONS</strong></td>
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<tr>
<td>SUPPLY MANAGEMENT—ARMY</td>
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<tr>
<td>UNDISTRIBUTED</td>
<td></td>
<td>–18,452</td>
</tr>
<tr>
<td>Reduction to sustain minimal readiness levels</td>
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<td>[–18,452]</td>
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<td><strong>TOTAL WORKING CAPITAL FUND, ARMY</strong></td>
<td>46,833</td>
<td>28,381</td>
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<td><strong>WORKING CAPITAL FUND, DEFENSE-WIDE</strong></td>
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<tr>
<td>SUPPLY CHAIN MANAGEMENT—DEF</td>
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<tr>
<td>DEFENSE LOGISTICS AGENCY (DLA)</td>
<td>93,800</td>
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<tr>
<td>UNDISTRIBUTED</td>
<td></td>
<td>–36,956</td>
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<tr>
<td>Prorated OCO allocation in support of base readiness requirements</td>
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<td>[–36,956]</td>
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<td><strong>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</strong></td>
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<tr>
<td><strong>OFFICE OF THE INSPECTOR GENERAL</strong></td>
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<tr>
<td>OPERATION AND MAINTENANCE</td>
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<td><strong>TOTAL OFFICE OF THE INSPECTOR GENERAL</strong></td>
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<td><strong>DEFENSE HEALTH PROGRAM</strong></td>
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<tr>
<td>OPERATION &amp; MAINTENANCE</td>
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<tr>
<td>IN-HOUSE CARE</td>
<td>95,386</td>
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<td><strong>UNDISTRIBUTED</strong></td>
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<td>–130,711</td>
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<td>Prorated OCO allocation in support of base readiness requirements</td>
<td></td>
<td>[–130,711]</td>
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<td><strong>SUBTOTAL UNDISTRIBUTED</strong></td>
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<td>Program increase</td>
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## SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

### (In Thousands of Dollars)

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## SEC. 4503. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

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## TITLE XLVI—MILITARY CONSTRUCTION

### SEC. 4601. MILITARY CONSTRUCTION

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- **Arizona**
  - Navy Yuma: VMX–22 Maintenance Hangar
  - **California**
  - Navy Coronado: Coastal Campus Entry Control Point
  - Navy Coronado: Coastal Campus Utilities Infrastructure
  - Navy Coronado: Grace Hopper Data Center Power Upgrades
  - Navy Lemoore: F–35C Engine Repair Facility
  - Navy Miramar: Aircraft Maintenance Hangar, Incr 1
  - Navy Miramar: Communications Complex & Infrastructure Upgrade
  - Navy Miramar: F–35 Aircraft Parking Apron
  - **Florida**
  - Navy Eglin AFB: WMD Field Training Facilities
  - Navy Mayport: Advanced Wastewater Treatment Plant
  - Navy Pensacola: A-School Dormitory
  - **Guam**
  - Navy Joint Region Marianas: Hardening of Guam POL Infrastructure
  - Navy Joint Region Marianas: Power Upgrades—Harmon
  - **Hawaii**
  - Navy Barking Sands: Upgrade Power Plant & Electrical Districts Sys
  - Navy Kaneohe Bay: Regimental Consolidated Commons/Elec Facility
  - Navy Kadima AB: Aircraft Maintenance Complex
  - Navy Sasebo: Shore Power (Juliet Pier)
  - **Maine**
  - Navy Kittery: Unaccompanied Housing
  - Navy Kittery: Utility Improvements for Nuclear Platforms
  - **Maryland**
  - Navy Patuxent River: UCLASS RDT&E Hangar
  - **Nevada**
  - Navy Fallon: Air Wing Simulator Facility
  - **North Carolina**
  - Navy Camp Lejeune: Range Facilities Safety Improvements
  - **South Carolina**
  - Navy Beaufort: Aircraft Maintenance Hangar
  - **Virginia**
  - Navy Rota: Communication Station
  - Navy Norfolk: Chambers Field Magazine Recap PH 1
  - **Washington**
  - Navy Bangor: SEAWOLF Class Service Pier
  - Navy Bangor: Service Pier Electrical Upgrades
  - Navy Bangor: Submarine Refit Maint Support Facility
  - Navy Bremerton: Nuclear Repair Facility
  - Navy Whidbey Island: EA–18G Maintenance Hangar
  - Navy Whidbey Island: Triton Mission Control Facility
  - **Worldwide Unspecified**
  - Navy Unspecified Worldwide Locations: Planning and Design
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### SEC. 4601. MILITARY CONSTRUCTION

#### (In Thousands of Dollars)

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**Military Construction, Air Force Total**: 1,481,058

| Military Construction, Air Force Total | Hawaii | 1,502,723 |

- **Alaska**:
  - Joint Base Elmendorf-Richardson
    - JRTC Building 52110 Renovation: 4,181
  - Joint Base Elmendorf-Richardson
    - Construct Truck Offload Facility: 4,900

- **Arizona**: Fort Huachuca
  - 80F Human Performance Training Center: 15,578
  - 80F Special RECON Team OPE Operations FAC: 20,549

- **California**: Vandenberg
  - 80F Training Detachment OPE Ops Facility: 14,395

- **Colorado**: F. E. Warren AFB
  - Replace Hydrant Fuel System: 26,500

- **Delaware**: Dover AFB
  - Welch EN/Dover MS Replacement: 44,115

- **Florida**: Patrick AFB
  - Replace Fuel Tanks: 30,000

- **Georgia**: Ellington
  - 80F Tactical Unmanned Aerial Vehicle Hangar: 4,820

- **Germany**: RAF Croughton
  - JIAC Consolidation—Ph 3: 16,500
  - RAF Hill AFB F-35A Munitions Maintenance Complex: 30,000

- **Hawaii**: Joint Base Pearl Harbor-Hickam
  - Medical Center Replacement Incl 6: 58,061

- **Japan**: Incirlik
  - 3412 Combat Support Facility: 8,600

- **Maine**: Kittery
  - Medical/Dental Clinic Replacement: 27,100

- **Maryland**: Patuxent River Naval Air Station
  - JRTC Building 52110: 143,582

- **Mississippi**: Keesler AFB
  - Medical/Dental Clinic Replacement: 27,100

- **Virginia**: Joint Base Langley-Eustis
  - Joint Base Langley-Eustis: 14,200

- **Wyoming**: F. E. Warren AFB
  - Missile Transfer Facility Bldg 4331: 5,550
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May 3, 2016 (4:48 p.m.)
### SEC. 4601. MILITARY CONSTRUCTION

#### (In Thousands of Dollars)

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#### Military Construction, Naval Reserve Total

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May 3, 2016 (4:48 p.m.)
## SEC. 4601. MILITARY CONSTRUCTION

*(In Thousands of Dollars)*

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### Military Construction, Air National Guard Total

143,957 166,857

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### Military Construction, Air Force Reserve Total

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### Family Housing Construction, Army Total

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### Family Housing Operation And Maintenance, Army Total

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### Family Housing Construction, Navy And Marine Corps Total

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<td>FHIP</td>
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### SEC. 4601. MILITARY CONSTRUCTION

(If Thousands of Dollars)

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<td>24,499</td>
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**Total, Military Construction** | | | 7,444,056 | 7,694,000 |

### SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS

(If Thousands of Dollars)

<table>
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<tr>
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<td></td>
<td>Unspecified Worldwide Locations</td>
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<tr>
<td>Military Construction, Army Total</td>
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<td>Iceland</td>
<td>Keflavik</td>
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<td>Navy</td>
<td>Keflavik</td>
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<td>Navy</td>
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<td>Military Construction, Navy Total</td>
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<td>21,400</td>
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<td>Bulgaria</td>
<td>Graf Ignatievo</td>
<td>ERI: Construct Sq Ops/Operational Alert Ftr</td>
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<tr>
<td>AP</td>
<td>Graf Ignatievo</td>
<td>ERI: Fighter Ramp Extension</td>
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<td>AP</td>
<td>Graf Ignatievo</td>
<td>ERI: Upgrade Munitions Storage Area</td>
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<td>2,600</td>
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<tr>
<td>Djibouti</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>AP</td>
<td>Chababell Airfield</td>
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<td>AP</td>
<td>Chababell Airfield</td>
<td>OCC: Construct Parking Apron and Taxiway</td>
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</table>
## SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS

### (In Thousands of Dollars)

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<th>Account</th>
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<td></td>
<td>Estonia</td>
<td>AF Amari AB ERI: Construct Bulk Fuel Storage .........</td>
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<td></td>
<td>Germany</td>
<td>AF Spangdahlem AB ERI: Construct High Cap Trim Pad &amp; Hush House ..</td>
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<tr>
<td></td>
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<td>AF Spangdahlem AB ERI: F/A–22 Low Observable/Comp Repair Fac ....</td>
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<td>Lithuania</td>
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<td>Poland</td>
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<td>AF Powidz AB ERI: Construct Squadron Operations Facility ............</td>
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<td>Romania</td>
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<td>AF Campia Turzii ERI: Construct Two-Bay Hangar .....................</td>
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<td>AF Campia Turzii ERI: Extend Parking Aprons .....................</td>
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<td>Military Construction, Defense-Wide Total</td>
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<td>Total, Military Construction</td>
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## SEC. 4603. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS FOR BASE REQUIREMENTS.

### (In Thousands of Dollars)

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<td>OCO: Medical/Dental Facility .................................</td>
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<td></td>
<td>Navy Camp Lemonier</td>
<td>OCO: Medical/Dental Facility .................................</td>
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<td></td>
<td>Military Construction, Navy Total</td>
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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

(In Thousands of Dollars)

Discretionary Summary By Appropriation

Energy And Water Development, And Related Agencies

Appropriation Summary:

Energy Programs

Nuclear Energy ................................................................. 151,876 136,616

Atomic Energy Defense Activities

National nuclear security administration:

Weapons activities .......................................................... 9,243,147 9,559,147
Defense nuclear nonproliferation .................................. 1,807,916 1,901,916
Naval reactors ................................................................. 1,420,120 1,420,120
Federal salaries and expenses ....................................... 412,817 372,817

Total, National nuclear security administration ............ 12,884,000 13,254,000

Environmental and other defense activities:

Defense environmental cleanup ........................................ 5,382,050 5,289,950
Other defense activities ..................................................... 791,552 800,552

Total, Environmental & other defense activities ............ 6,173,602 6,090,502

Total, Atomic Energy Defense Activities ......................... 19,057,602 19,344,502

Total, Discretionary Funding ............................................ 19,209,478 19,481,118

Nuclear Energy

Idaho sitewide safeguards and security ............................. 129,303 129,303
Idaho operations and maintenance ................................... 7,313 7,313
Consent Based Siting ....................................................... 15,260 0

Total, Nuclear Energy ....................................................... 151,876 136,616

Weapons Activities

Directed stockpile work

Life extension programs

B61 Life extension program ............................................. 616,079 616,079
W76 Life extension program ............................................. 222,880 222,880
W88 Alt 370 ................................................................. 281,129 281,129
W80-4 Life extension program ......................................... 220,253 241,253

Mitigation of schedule risk ............................................. [21,000]

Total, Life extension programs ....................................... 1,340,341 1,361,341

Stockpile systems

B61 Stockpile systems ..................................................... 57,313 57,313
W76 Stockpile systems ..................................................... 38,604 38,604
W78 Stockpile systems ..................................................... 56,413 56,413
W90 Stockpile systems ..................................................... 64,631 64,631
B83 Stockpile systems ..................................................... 41,659 41,659
W87 Stockpile systems ..................................................... 81,982 81,982
W88 Stockpile systems ..................................................... 101,074 101,074

Total, Stockpile systems .................................................. 443,676 445,676

Weapons dismantlement and disposition

Operations and maintenance .......................................... 68,984 54,984
Denial of dismantlement acceleration ........................... [14,000]

Stockpile services

Production support ......................................................... 457,043 457,043
Research and development support ............................... 34,187 34,187
## SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

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<td>Total, Science</td>
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<td>Engineering</td>
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<td>Enhanced surety</td>
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<td>Weapon systems engineering assessment technology</td>
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<td>Improve planning and coordination on strategic radiation-hardened microsystems</td>
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<td>Inertial confinement fusion ignition and high yield</td>
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<td>Diagnostics, cryogenics and experimental support</td>
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<td>Pulsed power inertial confinement fusion</td>
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<td>Joint program in high energy density laboratory plasmas</td>
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<td>Facility operations and target production</td>
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### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

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#### Defense nuclear security

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#### Defense Nuclear Nonproliferation

##### Defense Nuclear Nonproliferation Programs

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##### Nonproliferation Construction

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### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### (In Thousands of Dollars)

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### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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### DIVISION E—MILITARY JUSTICE

#### SEC. 6000. SHORT TITLE.

This division may be cited as the “Military Justice Act of 2016”.

#### TITLE LX—GENERAL PROVISIONS

#### SEC. 6001. DEFINITIONS.

(a) **Definition of Military Judge.**—Paragraph (10) of section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended to read as follows:

“(10) The term ‘military judge’ means a judge advocate designated under section 826(c) of this title (article 26(c)) who is detailed under section 826(a) of this title (article 26(a)).”.

(b) **Definition of Judge Advocate.**—Paragraph (13) of such section (article) is amended—

(1) in subparagraph (A), by striking “the Army or the Navy” and inserting “the Army, the Navy, or the Air Force”; and
(2) in subparagraph (B), by striking “the Air Force or”.

SEC. 6002. CLARIFICATION OF PERSONS SUBJECT TO UCMJ WHILE ON INACTIVE-DUTY TRAINING.

Paragraph (3) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

“(3)(A) While on inactive-duty training and during any of the periods specified in subparagraph (B)—

“(i) members of a reserve component; and

“(ii) members of the Army National Guard of the United States or the Air National Guard of the United States, but only when in Federal service.

“(B) The periods referred to in subparagraph (A) are the following:

“(i) Travel to and from the inactive-duty training site of the member, pursuant to orders or regulations.

“(ii) Intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations.
“(iii) Intervals between inactive-duty training on consecutive days, pursuant to orders or regulations.”.

SEC. 6003. STAFF JUDGE ADVOCATE DISQUALIFICATION DUE TO PRIOR INVOLVEMENT IN CASE.

Subsection (c) of section 806 of title 10, United States Code (article 6 of the Uniform Code of Military Justice), is amended to read as follows:

“(c)(1) No person who, with respect to a case, serves in a capacity specified in paragraph (2) may later serve as a staff judge advocate or legal officer to any reviewing or convening authority upon the same case.

“(2) The capacities referred to in paragraph (1) are, with respect to the case involved, any of the following:

“(A) Preliminary hearing officer, court member, military judge, military magistrate, or appellate judge.

“(B) Counsel who have acted in the same case or appeared in any proceeding before a military judge, military magistrate, preliminary hearing officer, or appellate court.”.

SEC. 6004. CONFORMING AMENDMENT RELATING TO MILITARY MAGISTRATES.

The first sentence of section 806a(a) of title 10, United States Code (article 6a(a) of the Uniform Code
of Military Justice), is amended by striking “military judge” and all that follows through the end of the sentence and inserting “military appellate judge, military judge, or military magistrate to perform the duties of the position involved.”

SEC. 6005. RIGHTS OF VICTIM.

(a) Designation of Representative.—Subsection (c) of section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended in the first sentence by striking “the military judge” and all that follows through the end of the sentence and inserting the following: “the legal guardians of the victim or the representatives of the victim’s estate, family members, or any other person designated as suitable by the military judge, may assume the rights of the victim under this section.”.

(b) Rule of Construction.—Subsection (d) of such section (article) is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; or”; and

(3) by adding at the end the following new paragraph:
“(3) to impair the exercise of discretion under sections 830 and 834 of this title (articles 30 and 34).”.

(c) INTERVIEW OF VICTIM.—Such section (article) is amended by adding at the end the following new subsection:

“(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF ALLEGED OFFENSE.—(1) Upon notice by counsel for the Government to counsel for the accused of the name of an alleged victim of an offense under this chapter who counsel for the Government intends to call as a witness at a proceeding under this chapter, counsel for the accused shall make any request to interview the victim through the Special Victim’s Counsel or other counsel for the victim, if applicable.

“(2) If requested by an alleged victim who is subject to a request for interview under paragraph (1), any interview of the victim by counsel for the accused shall take place only in the presence of the counsel for the Government, a counsel for the victim, or, if applicable, a victim advocate.”.
TITLE LXI—APPREHENSION AND RESTRAINT

SEC. 6101. RESTRAINT OF PERSONS CHARGED.

Section 810 of title 10, United States Code (article 10 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 810. Art. 10. Restraint of person charged

"(a) IN GENERAL.—(1) Subject to paragraph (2), any person subject to this chapter who is charged with an offense under this chapter may be ordered into arrest or confinement as the circumstances require.

"(2) When a person subject to this chapter is charged only with an offense that is normally tried by summary court-martial, the person ordinarily shall not be ordered into confinement.

"(b) NOTIFICATION TO ACCUSED AND RELATED PROCEDURES.—(1) When a person subject to this chapter is ordered into arrest or confinement before trial, immediate steps shall be taken—

"(A) to inform the person of the specific offense of which the person is accused; and

"(B) to try the person or to dismiss the charges and release the person.

"(2) To facilitate compliance with paragraph (1), the President shall prescribe regulations setting forth proce-
dures relating to referral for trial, including procedures
for prompt forwarding of the charges and specifications
and, if applicable, the preliminary hearing report sub-
mitted under section 832 of this title (article 32).”.

SEC. 6102. MODIFICATION OF PROHIBITION OF CONFINEMENT OF ARMED FORCES MEMBERS WITH ENEMY PRISONERS AND CERTAIN OTHERS.

Section 812 of title 10, United States Code (article 12 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 812. Art. 12. Prohibition of confinement of armed forces members with enemy prisoners and certain others

“No member of the armed forces may be placed in confinement in immediate association with—

“(1) enemy prisoners; or

“(2) other individuals—

“(A) who are detained under the law of war and are foreign nationals; and

“(B) who are not members of the armed forces.”.
TITLE LXII—NON-JUDICIAL PUNISHMENT

SEC. 6201. MODIFICATION OF CONFINEMENT AS NON-JUDICIAL PUNISHMENT.

Section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking “on bread and water or diminished rations”; and

(B) in the undesignated matter after paragraph (2), by striking “on bread and water or diminished rations” in the sentence beginning “No two or more”; and

(2) in subsection (d), by striking “on bread and water or diminished rations” in paragraphs (2) and (3).

TITLE LXIII—COURT-MARTIAL JURISDICTION

SEC. 6301. COURTS-MARTIAL CLASSIFIED.

Section 816 of title 10, United States Code (article 16 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 816. Art 16. Courts-martial classified

“(a) IN GENERAL.—The three kinds of courts-martial in each of the armed forces are the following:
“(1) General courts-martial, as described in subsection (b).

“(2) Special courts-martial, as described in subsection (c).

“(3) Summary courts-martial, as described in subsection (d).

“(b) GENERAL COURTS-MARTIAL.—General courts-martial are of the following three types:

“(1) A general court-martial consisting of a military judge and eight members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

“(2) In a capital case, a general court-martial consisting of a military judge and the number of members determined under section 825a of this title (article 25a), subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

“(3) A general court-martial consisting of a military judge alone, if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.
“(c) Special Courts-Martial.—Special courts-martial are of the following two types:

“(1) A special court-martial, consisting of a military judge and four members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

“(2) A special court-martial consisting of a military judge alone—

“(A) if the case is so referred by the convening authority, subject to section 819 of this title (article 19) and such limitations as the President may prescribe by regulation; or

“(B) if the case is referred under paragraph (1) and, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

“(d) Summary Court-Martial.—A summary court-martial consists of one commissioned officer.”.

SEC. 6302. JURISDICTION OF GENERAL COURTS-MARTIAL.

Section 818 of title 10, United States Code (article 18 of the Uniform Code of Military Justice), is amended—
(1) in subsection (b), by striking “section 816(1)(B) of this title (article 16(1)(B))” and inserting “section 816(b)(3) of this title (article 16(b)(3))”; and

(2) by striking subsection (c) and inserting the following:

“(c) Consistent with sections 819 and 820 of this title (articles 19 and 20), only general courts-martial have jurisdiction over the following offenses:

“(1) A violation of subsection (a) or (b) of section 920 of this title (article 120).

“(2) A violation of subsection (a) or (b) of section 920b of this title (article 120b).

“(3) An attempt to commit an offense specified in paragraph (1) or (2) that is punishable under section 880 of this title (article 80).”.

SEC. 6303. JURISDICTION OF SPECIAL COURTS-MARTIAL.

Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) by striking “Subject to” in the first sentence and inserting the following:

“(a) IN GENERAL.—Subject to;

(2) by striking “A bad-conduct discharge” and all that follows through the end; and
(3) by adding after subsection (a), as designated by paragraph (1), the following new subsections:

“(b) ADDITIONAL LIMITATION.—Neither a bad-conduct discharge, nor confinement for more than six months, nor forfeiture of pay for more than six months may be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)).

“(c) MILITARY MAGISTRATE.—If charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)), the military judge, with the consent of the parties, may designate a military magistrate to preside over the special court-martial.”.

SEC. 6304. SUMMARY COURT-MARTIAL AS NON-CRIMINAL FORUM.

Section 820 of title 10, United States Code (article 20 of the Uniform Code of Military Justice), is amended—

(1) by inserting “(a) IN GENERAL.—” before “Subject to”; and

(2) by adding at the end the following new subsection:
“(b) NON-CRIMINAL FORUM.—A summary court-martial is a non-criminal forum. A finding of guilty at a summary court-martial does not constitute a criminal conviction.”.

TITLE LXIV—COMPOSITION OF COURTS-MARTIAL

SEC. 6401. TECHNICAL AMENDMENT RELATING TO PERSONS AUTHORIZED TO CONVENE GENERAL COURTS-MARTIAL.

Section 822(a)(6) of title 10, United States Code (article 22(a)(6) of the Uniform Code of Military Justice), is amended by striking “in chief”.

SEC. 6402. WHO MAY SERVE ON COURTS-MARTIAL; DETAIL OF MEMBERS.

(a) WHO MAY SERVE ON COURTS-MARTIAL.—Subsection (c) of section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), is amended to read as follows:

“(c)(1) Any enlisted member on active duty is eligible to serve on a general or special court-martial for the trial of any other enlisted member.

“(2) Before a court-martial with a military judge and members is assembled for trial, an enlisted member who is an accused may personally request, orally on the record or in writing, that—
“(A) the membership of the court-martial be comprised entirely of officers; or

“(B) enlisted members comprise at least one-third of the membership of the court-martial, regardless of whether enlisted members have been detailed to the court-martial.

“(3) Except as provided in paragraph (4), after such a request, the accused may not be tried by a general or special court-martial if the membership of the court-martial is inconsistent with the request.

“(4) If, because of physical conditions or military exigencies, a sufficient number of eligible officers or enlisted members, as the case may be, are not available to carry out paragraph (2), the trial may nevertheless be held. In that event, the convening authority shall make a detailed written statement of the reasons for nonavailability. The statement shall be appended to the record.”.

(b) DETAIL OF MEMBERS.—Subsection (d) of such section (article) is amended by adding at the end the following new paragraph:

“(3) The convening authority shall detail not less than the number of members necessary to impanel the court-martial under section 829 of this title (article 29).”.
SEC. 6403. NUMBER OF COURT-MARTIAL MEMBERS IN CAPITAL CASES.

Section 825a of title 10, United States Code (article 25a of the Uniform Code of Military Justice), is amended to read as follows:

“§ 825a. Art. 25a. Number of court-martial members in capital cases

“(a) IN GENERAL.—In a case in which the accused may be sentenced to death, the number of members shall be 12.

“(b) CASE NO LONGER CAPITAL.—Subject to section 829 of this title (article 29)—

“(1) if a case is referred for trial as a capital case and, before the members are impaneled, the accused may no longer be sentenced to death, the number of members shall be eight; and

“(2) if a case is referred for trial as a capital case and, after the members are impaneled, the accused may no longer be sentenced to death, the number of members shall remain 12.”.

SEC. 6404. DETAILING, QUALIFICATIONS, ETC. OF MILITARY JUDGES.

(a) SPECIAL COURTS-MARTIAL.—Subsection (a) of section 826 of title 10, United States Code (article 26 of the Uniform Code of Military Justice), is amended—
(1) in the first sentence, by inserting after “each general” the following: “and special”; and
(2) by striking the second sentence.
(b) QUALIFICATIONS.—Subsection (b) of such section (article) is amended by striking “qualified for duty” and inserting “qualified, by reason of education, training, experience, and judicial temperament, for duty”.
(c) DETAIL AND ASSIGNMENT.—Subsection (c) of such section (article) is amended to read as follows:

“(c)(1) In accordance with regulations prescribed under subsection (a), a military judge of a general or special court-martial shall be designated for detail by the Judge Advocate General of the armed force of which the military judge is a member.

“(2) Neither the convening authority nor any member of the staff of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to the military judge’s performance of duty as a military judge.

“(3) A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial—

“(A) may perform such duties only when the officer is assigned and directly responsible to the
Judge Advocate General of the armed force of which
the military judge is a member; and

“(B) may perform duties of a judicial or non-
judicial nature other than those relating to the offi-
cer’s primary duty as a military judge of a general
court-martial when such duties are assigned to the
officer by or with the approval of that Judge Advo-
cate General.

“(4) In accordance with regulations prescribed by the
President, assignments of military judges under this sec-
tion (article) shall be for appropriate minimum periods,
subject to such exceptions as may be authorized in the
regulations.”.

(d) DETAIL TO A DIFFERENT ARMED FORCE.—Such
section (article) is further amended by adding at the end
the following new subsection:

“(f) A military judge may be detailed under sub-
section (a) to a court-martial that is convened in a dif-
ferent armed force, when so permitted by the Judge Advo-
cate General of the armed force of which the military
judge is a member.”.

(e) CHIEF TRIAL JUDGES.—Such section (article), as
amended by subsection (d), is further amended by adding
at the end the following new subsection:
“(g) In accordance with regulations prescribed by the President, each Judge Advocate General shall designate a chief trial judge from among the members of the applicable trial judiciary.”.

SEC. 6405. QUALIFICATIONS OF TRIAL COUNSEL AND DEFENSE COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking “No person” and all that follows through “trial counsel,” the first place it appears and inserting the following: “No person who, with respect to a case, has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge, may later serve as trial counsel,”;

(2) in the first sentence of subsection (b), by striking “Trial counsel or defense counsel” and inserting “Trial counsel, defense counsel, or assistant defense counsel”; and

(3) by striking subsection (c) and inserting the following new subsections:

“(c)(1) Defense counsel and assistant defense counsel detailed for a special court-martial shall have the qualifications set forth in subsection (b).
“(2) Trial counsel and assistant trial counsel detailed for a special court-martial and assistant trial counsel detailed for a general court-martial must be determined to be competent to perform such duties by the Judge Advocate General, under such rules as the President may prescribe.

“(d) To the greatest extent practicable, in any capital case, at least one defense counsel shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.”

SEC. 6406. ASSEMBLY AND IMpanELING OF MEMBERS; DETAIL OF NEW MEMBERS AND MILITARY JUDGES.

Section 829 of title 10, United States Code (article 29 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 829. Art. 29. Assembly and impaneling of members; detail of new members and military judges

“(a) ASSEMBLY.—The military judge shall announce the assembly of a general or special court-martial with members. After such a court-martial is assembled, no member may be absent, unless the member is excused—
“(1) as a result of a challenge;
“(2) under subsection (b)(1)(B); or
“(3) by order of the military judge or the convening authority for disability or other good cause.
“(b) IMPANELING.—(1) Under rules prescribed by the President, the military judge of a general or special court-martial with members shall—
“(A) after determination of challenges, impanel the court-martial; and
“(B) excuse the members who, having been assembled, are not impaneled.
“(2) In a general court-martial, the military judge shall impanel—
“(A) 12 members in a capital case; and
“(B) eight members in a noncapital case.
“(3) In a special court-martial, the military judge shall impanel four members.
“(c) ALTERNATE MEMBERS.—In addition to members under subsection (b), the military judge shall impanel alternate members, if the convening authority authorizes alternate members.
“(d) DETAIL OF NEW MEMBERS.—(1) If, after members are impaneled, the membership of the court-martial is reduced to—
“(A) fewer than 12 members with respect to a
general court-martial in a capital case;
“(B) fewer than six members with respect to a
general court-martial in a noncapital case; or
“(C) fewer than four members with respect to
a special court-martial;
the trial may not proceed unless the convening au-
thority details new members and, from among the
members so detailed, the military judge impanels
new members sufficient in number to provide the
membership specified in paragraph (2).
“(2) The membership referred to in paragraph
(1) is as follows:
“(A) 12 members with respect to a general
court-martial in a capital case.
“(B) At least six but not more than eight
members with respect to a general court-martial
in a noncapital case.
“(C) Four members with respect to a spe-
cial court-martial.
“(e) DETAIL OF NEW MILITARY JUDGE.—If the mili-
tary judge is unable to proceed with the trial because of
disability or otherwise, a new military judge shall be de-
tailed to the court-martial.
“(f) EVIDENCE.—(1) In the case of new members under subsection (d), the trial may proceed with the new members present after the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new members, the military judge, the accused, and counsel for both sides.

“(2) In the case of a new military judge under subsection (e), the trial shall proceed as if no evidence had been introduced, unless the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new military judge, the accused, and counsel for both sides.”.

SEC. 6407. MILITARY MAGISTRATES.

Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 826 (article 26 of the Uniform Code of Military Justice) the following new section (article):

“§ 826a. Art. 26a. Military magistrates

“(a) QUALIFICATIONS.—A military magistrate shall be a commissioned officer of the armed forces who—

“(1) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

“(2) is certified to be qualified, by reason of education, training, experience, and judicial tem-
perament, for duty as a military magistrate by the
Judge Advocate General of the armed force of which
the officer is a member.

“(b) DUTIES.—In accordance with regulations pre-
scribed by the Secretary concerned, in addition to duties
when designated under section 819 of this title (article
19), a military magistrate may be assigned to perform
other duties of a nonjudicial nature.”.

TITLE LXV—PRE-TRIAL
PROCEDURE

SEC. 6501. CHARGES AND SPECIFICATIONS.

Section 830 of title 10, United States Code (article
30 of the Uniform Code of Military Justice), is amended
to read as follows:

“§ 830. Art. 30. Charges and specifications

“(a) IN GENERAL.—Charges and specifications—

“(1) may be preferred only by a person subject
to this chapter; and

“(2) shall be preferred by presentment in writ-
ing, signed under oath before a commissioned officer
of the armed forces who is authorized to administer
oaths.

“(b) REQUIRED CONTENT.—The writing under sub-
section (a) shall state that—
“(1) the signer has personal knowledge of, or
has investigated, the matters set forth in the charges
and specifications; and
“(2) the charges and specifications are true, to
the best of the knowledge and belief of the signer.
“(c) DUTY OF PROPER AUTHORITY.—When charges
and specifications are preferred under subsection (a), the
proper authority shall, as soon as practicable—
“(1) inform the person accused of the charges
and specifications; and
“(2) determine what disposition should be made
of the charges and specifications in the interest of
justice and discipline.”.

SEC. 6502. PRELIMINARY HEARING REQUIRED BEFORE RE-
FERRAL TO GENERAL COURT-MARTIAL.

(a) In General.—Section 832 of title 10, United
States Code (article 32 of the Uniform Code of Military
Justice), is amended by striking the section heading and
subsections (a), (b), and (c), and inserting the following:

“§ 832. Art. 32. Preliminary hearing required before
referral to general court-martial
“(a) In General.—(1)(A) Except as provided in
subparagraph (B), a preliminary hearing shall be held be-
fore referral of charges and specifications for trial by gen-
eral court-martial. The preliminary hearing shall be con-
ducted by an impartial hearing officer, detailed by the convening authority in accordance with subsection (b).

“(B) Under regulations prescribed by the President, a preliminary hearing need not be held if the accused submits a written waiver to the convening authority and the convening authority determines that a hearing is not required.

“(2) The issues for determination at a preliminary hearing are limited to the following:

“(A) Whether or not the specification alleges an offense under this chapter.

“(B) Whether or not there is probable cause to believe that the accused committed the offense charged.

“(C) Whether or not the convening authority has court-martial jurisdiction over the accused and over the offense.

“(D) A recommendation as to the disposition that should be made of the case.

“(b) HEARING OFFICER.—(1) A preliminary hearing under this section shall be conducted by an impartial hearing officer, who—

“(A) whenever practicable, shall be a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)); or
“(B) in exceptional circumstances, shall be an impartial hearing officer, who is not a judge advocate so certified.

“(2) In the case of a hearing officer under paragraph (1)(B), a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)) shall be available to provide legal advice to the hearing officer.

“(3) Whenever practicable, the hearing officer shall be equal in grade or senior in grade to military counsel who are detailed to represent the accused or the Government at the preliminary hearing.

“(c) REPORT TO CONVENING AUTHORITY.—After a preliminary hearing under this section, the hearing officer shall submit to the convening authority a written report (accompanied by a recording of the preliminary hearing under subsection (e)) that includes the following:

“(1) For each specification, a statement of the reasoning and conclusions of the hearing officer with respect to determinations under subsection (a)(2), including a summary of relevant witness testimony and documentary evidence presented at the hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.
“(2) Recommendations for any necessary modifications to the form of the charges or specifications.

“(3) An analysis of any additional information submitted after the hearing by the parties or by a victim of an offense, that, under such rules as the President may prescribe, is relevant to disposition under sections 830 and 834 of this title (articles 30 and 34).

“(4) A statement of action taken on evidence adduced with respect to uncharged offenses, as described in subsection (f).”.

(b) SUNDRY AMENDMENTS.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking “subsection (a)” in the first sentence and inserting “this section”;

(2) in paragraph (2), by striking “in defense” and all that follows through the end and inserting “that is relevant to the issues for determination under subsection (a)(2).”;

(3) in paragraph (3), by adding at the end the following new sentence: “A declination under this paragraph shall not serve as the sole basis for ordering a deposition under section 849 of this title (article 49).”; and
(4) in paragraph (4), by striking “the limited purposes of the hearing, as provided in subsection (a)(2).” and inserting the following: “determinations under subsection (a)(2).”.

(c) Reference to MCM.—Subsection (e) of such section (article) is amended by striking “as prescribed by the Manual for Courts-Martial” in the second sentence and inserting “under such rules as the President may prescribe”.

(d) Effect of Violation.—Subsection (g) of such section (article) is amended by adding at the end the following new sentence: “A defect in a report under subsection (c) is not a basis for relief if the report is in substantial compliance with that subsection.”.

SEC. 6503. DISPOSITION GUIDANCE.

Section 833 of title 10, United States Code (article 33 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 833. Art 33. Disposition guidance

“The President shall direct the Secretary of Defense to issue, in consultation with the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy, non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates
should take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline under sections 830 and 834 of this title (articles 30 and 34). Such guidance shall take into account, with appropriate consideration of military requirements, the principles contained in official guidance of the Attorney General to attorneys for the Government with respect to disposition of Federal criminal cases in accordance with the principle of fair and even-handed administration of Federal criminal law.”.

SEC. 6504. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 834. Art. 34. Advice to convening authority before referral for trial

“(a) General Court-martial.—

“(1) Staff judge advocate advice required before referral.—Before referral of charges and specifications to a general court-martial for trial, the convening authority shall submit the matter to the staff judge advocate for advice, which the staff judge advocate shall provide to the convening authority in writing. The convening authority
may not refer a specification under a charge to a
general court-martial unless the staff judge advocate
advises the convening authority in writing that—

“(A) the specification alleges an offense
under this chapter;

“(B) there is probable cause to believe that
the accused committed the offense charged; and

“(C) a court-martial would have jurisdi-
cation over the accused and the offense.

“(2) STAFF JUDGE ADVOCATE RECOMMENDA-
tion as to Disposition.—Together with the writ-
ten advice provided under paragraph (1), the staff
judge advocate shall provide a written recommenda-
tion to the convening authority as to the disposition
that should be made of the specification in the inter-
est of justice and discipline.

“(3) STAFF JUDGE ADVOCATE ADVICE AND
RECOMMENDATION TO ACCOMPANY REFERRAL.—
When a convening authority makes a referral for
trial by general court-martial, the written advice of
the staff judge advocate under paragraph (1) and
the written recommendation of the staff judge adva-
cate under paragraph (2) with respect to each speci-
fi cation shall accompany the referral.
“(b) Special Court-Martial; Convening Authority Consultation With Judge Advocate.—Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on relevant legal issues.

“(c) General and Special Courts-Martial; Correction of Charges and Specifications Before Referral.—Before referral for trial by general court-martial or special court-martial, changes may be made to charges and specifications—

“(1) to correct errors in form; and

“(2) when applicable, to conform to the substance of the evidence contained in a report under section 832(c) of this title (article 32(c)).

“(d) Definition.—In this section, the term ‘referral’ means the order of a convening authority that charges and specifications against an accused be tried by a specified court-martial.”.

SEC. 6505. SERVICE OF CHARGES AND COMMENCEMENT OF TRIAL.

Section 835 of title 10, United States Code (article 35 of the Uniform Code of Military Justice), is amended to read as follows:
§ 835. Art. 35. Service of charges; commencement of trial

(a) In general.—Trial counsel detailed for a court-martial under section 827 of this title (article 27) shall cause to be served upon the accused a copy of the charges and specifications referred for trial.

(b) Commencement of trial.—(1) Subject to paragraphs (2) and (3), no trial or other proceeding of a general court-martial or a special court-martial (including any session under section 839(a) of this title (article 39(a)) may be held over the objection of the accused—

(A) with respect to a general court-martial, from the time of service through the fifth day after the date of service; or

(B) with respect to a special court-martial, from the time of service through the third day after the date of service.

(2) An objection under paragraph (1) may be raised only at the first session of the trial or other proceeding and only if the first session occurs before the end of the applicable period under paragraph (1)(A) or (1)(B). If the first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this subsection.

(3) This subsection shall not apply in time of war.”.
TITLE LXVI—TRIAL PROCEDURE

SEC. 6601. DUTIES OF ASSISTANT DEFENSE COUNSEL.

Subsection (e) of section 838 of title 10, United States Code (article 38 of the Uniform Code of Military Justice), is amended by striking “, under the direction” and all that follows through “(article 27),”.

SEC. 6602. SESSIONS.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by striking paragraph (3) and inserting the following new paragraphs:

“(3) holding the arraignment and receiving the pleas of the accused;

“(4) conducting a sentencing proceeding and sentencing the accused; and”; and

(2) in the second sentence of subsection (e), by striking “, in cases in which a military judge has been detailed to the court,”.

SEC. 6603. TECHNICAL AMENDMENT RELATING TO CONTINUANCES.

Section 840 of title 10, United States Code (article 40 of the Uniform Code of Military Justice), is amended
by striking “court-martial without a military judge” and inserting “summary court-martial”.

SEC. 6604. CONFORMING AMENDMENTS RELATING TO CHALLENGES.

Section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), by striking “, or, if none, the court,” in the second sentence;

(2) in subsection (a)(2) by striking “minimum” in the first sentence; and

(3) in subsection (b)(2), by striking “minimum”.

SEC. 6605. STATUTE OF LIMITATIONS.

(a) INCREASE IN PERIOD FOR CHILD ABUSE OFFENSES.—Subsection (b)(2)(A) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking “five years” and inserting “ten years”.

(b) INCREASE IN PERIOD FOR FRAUDULENT ENLISTMENT OR APPOINTMENT OFFENSES.—Such section (article) is further amended by adding at the end the following new subsection:

“(h) FRAUDULENT ENLISTMENT OR APPOINTMENT.—A person charged with fraudulent enlistment or fraudulent appointment under section 904a(1) of this title
(article 104a(1)) may be tried by court-martial if the sworn charges and specifications are received by an officer exercising summary court-martial jurisdiction with respect to that person, as follows:

“(1) In the case of an enlisted member, during the period of the enlistment or five years, whichever provides a longer period.

“(2) In the case of an officer, during the period of the appointment or five years, whichever provides a longer period.”.

(c) DNA Evidence.—Such section (article), as amended by subsection (b), is further amended by adding at the end the following new subsection:

“(i) DNA Evidence.—If DNA testing implicates an identified person in the commission of an offense punishable by confinement for more than one year, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.”.

(d) Conforming Amendments.—Such section (article) is further amended in subsection (b)(2)(B) by striking clauses (i) through (v) and inserting the following:
“(i) Any offense in violation of section 920, 920a, 920b, 920c, or 930 of this title (article 120, 120a, 120b, 120c, or 130), unless the offense is covered by subsection (a).

“(ii) Maiming in violation of section 928a of this title (article 128a).

“(iii) Aggravated assault, assault consummated by a battery, or assault with intent to commit specified offenses in violation of section 928 of this title (article 128).

“(iv) Kidnapping in violation of section 925 of this title (article 125).”.

(c) Application.—The amendments made by subsections (a), (b), (c), and (d) shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this subsection if the applicable limitation period has not yet expired.

SEC. 6606. FORMER JEOPARDY.

Subsection (c) of section 844 of title 10, United States Code (article 44 of the Uniform Code of Military Justice), is amended to read as follows:
“(c)(1) A court-martial with a military judge alone is a trial in the sense of this section (article) if, without fault of the accused—

“(A) after introduction of evidence; and

“(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

“(2) A court-martial with a military judge and members is a trial in the sense of this section (article) if, without fault of the accused—

“(A) after the members, having taken an oath as members under section 842 of this title (article 42) and after completion of challenges under section 841 of this title (article 41), are impaneled; and

“(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.”.
SEC. 6607. PLEAS OF THE ACCUSED.

(a) Pleas of Guilty.—Subsection (b) of section 845 of title 10, United States Code (article 45 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking “may be adjudged” and inserting “is mandatory”; and

(2) in the second sentence—

(A) by striking “or by a court-martial without a military judge”; and

(B) by striking “, if permitted by regulations of the Secretary concerned,”.

(b) Harmless Error.—Such section (article) is further amended by adding at the end the following new subsection:

“(c) Harmless Error.—A variance from the requirements of this article is harmless error if the variance does not materially prejudice the substantial rights of the accused.”.

SEC. 6608. CONTEMPT.

(a) Authority to Punish.—Subsection (a) of section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

“(a) Authority to Punish.—(1) With respect to any proceeding under this chapter, a judicial officer speci-
fied in paragraph (2) may punish for contempt any person who—

“(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

“(B) disturbs the proceeding by any riot or disorder; or

“(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

“(2) A judicial officer referred to in paragraph (1) is any of the following:

“(A) Any judge of the Court of Appeals for the Armed Forces and any judge of a Court of Criminal Appeals under section 866 of this title (article 66).

“(B) Any military judge detailed to a court-martial, a provost court, a military commission, or any other proceeding under this chapter.

“(C) Any military magistrate designated to preside under section 819 of this title (article 19).”.

(b) Review.—Such section (article) is further amended—

(1) by redesignating subsection (e) as subsection (d); and
(2) by inserting after subsection (b) the following new subsection (c):

“(c) REVIEW.—A punishment under this section—

“(1) if imposed by a military judge or military magistrate, may be reviewed by the Court of Criminal Appeals in accordance with the uniform rules of procedure for the Courts of Criminal Appeals under section 866(g) of this title (article 66(g)); and

“(2) if imposed by a judge of the Court of Appeals for the Armed Forces or a judge of a Court of Criminal Appeals, shall constitute a judgment of the court, subject to review under the applicable provisions of section 867 or 867a of this title (article 67 or 67a).”.

(c) SECTION HEADING.—The heading for such section (article) is amended to read as follows:

“§ 848. Art. 48. Contempt”.

SEC. 6609. DEPOSITIONS.

Section 849 of title 10, United States Code (article 49 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 849. Art. 49. Depositions

“(a) IN GENERAL.—(1) Subject to paragraph (2), a convening authority or a military judge may order depositions at the request of any party.
“(2) A deposition may be ordered under paragraph (1) only if the requesting party demonstrates that, due to exceptional circumstances, it is in the interest of justice that the testimony of a prospective witness be preserved for use at a court-martial, military commission, court of inquiry, or other military court or board.

“(3) A party who requests a deposition under this section shall give to every other party reasonable written notice of the time and place for the deposition.

“(4) A deposition under this section shall be taken before, and authenticated by, an impartial officer, as follows:

“(A) Whenever practicable, by an impartial judge advocate certified under section 827(b) of this title (article 27(b)).

“(B) In exceptional circumstances, by an impartial military or civil officer authorized to administer oaths by (i) the laws of the United States or (ii) the laws of the place where the deposition is taken.

“(b) REPRESENTATION BY COUNSEL.—Representation of the parties with respect to a deposition shall be by counsel detailed in the same manner as trial counsel and defense counsel are detailed under section 827 of this title (article 27). In addition, the accused shall have the
right to be represented by civilian or military counsel in the same manner as such counsel are provided for in section 838(b) of this title (article 38(b)).

“(c) Admissibility and Use as Evidence.—A deposition order under subsection (a) does not control the admissibility of the deposition in a court-martial or other proceeding under this chapter. Except as provided by subsection (d), a party may use all or part of a deposition as provided by the rules of evidence.

“(d) Capital Cases.—Testimony by deposition may be presented in capital cases only by the defense.”.

SEC. 6610. ADMISSIBILITY OF SWORN TESTIMONY BY AUDIOTAPE OR VIDEOTAPE FROM RECORDS OF COURTS OF INQUIRY.

(a) In General.—Section 850 of title 10, United States Code (article 50 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(d) Audiotape or Videotape.—Sworn testimony that—

“(1) is recorded by audiotape, videotape, or similar method; and

“(2) is contained in the duly authenticated record of proceedings of a court of inquiry;
is admissible before a court-martial, military commission, court of inquiry, or military board, to the same extent as sworn testimony may be read in evidence before any such body under subsection (a), (b), or (e).”.

(b) SECTION HEADING.—The heading for such section (article) is amended to read as follows:

“§ 850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry”.

SEC. 6611. CONFORMING AMENDMENT RELATING TO DEFENSE OF LACK OF MENTAL RESPONSIBILITY.

Section 850a(c) of title 10, United States Code (article 50a(c) of the Uniform Code of Military Justice), is amended by striking “, or the president of a court-martial without a military judge,”.

SEC. 6612. VOTING AND RULINGS.

Section 851 of title 10, United States Code (article 51 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking “, and by members of a court-martial without a military judge upon questions of challenge,” in the first sentence;

(2) in subsection (b)—

(A) by striking “and, except for questions of challenge, the president of a court-martial
without a military judge” in the first sentence;

and

(B) by striking “, or by the president” in
the second sentence and all that follows through
the end of the subsection and inserting “is final
and constitutes the ruling of the court, except
that the military judge may change a ruling at
any time during trial.”; and

(3) in subsection (c), by striking “or the presi-
dent of a court-martial without a military judge” in
the matter before paragraph (1).

SEC. 6613. VOTES REQUIRED FOR CONVICTION, SENTEN-

TENCING, AND OTHER MATTERS.

Section 852 of title 10, United States Code (article
52 of the Uniform Code of Military Justice), is amended
to read as follows:

“§ 852. Art. 52. Votes required for conviction, sen-
tencing, and other matters

“(a) IN GENERAL.—No person may be convicted of
an offense in a general or special court-martial, other
than—

“(1) after a plea of guilty under section 845(b)
of this title (article 45(b));
“(2) by a military judge in a court-martial with a military judge alone, under section 816 of this title (article 16); or

“(3) in a court-martial with members under section 816 of this title (article 16), by the concurrence of at least three-fourths of the members present when the vote is taken.

“(b) LEVEL OF CONCURRENCE REQUIRED.—

“(1) IN GENERAL.—Except as provided in subsection (a) and in paragraph (2), all matters to be decided by members of a general or special court-martial shall be determined by a majority vote, but a reconsideration of a finding of guilty or reconsideration of a sentence, with a view toward decreasing the sentence, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

“(2) SENTENCING.—A sentence of death requires (A) a unanimous finding of guilty of an offense in this chapter expressly made punishable by death and (B) a unanimous determination by the members that the sentence for that offense shall include death. All other sentences imposed by members shall be determined by the concurrence of at
least three-fourths of the members present when the vote is taken.”.

SEC. 6614. PLEA AGREEMENTS.

Subchapter VII of chapter 47 of title 10, United States Code, is amended by inserting after section 853 (article 53 of the Uniform Code of Military Justice) the following:

“§ 853a. Art. 53a. Plea agreements

“(a) IN GENERAL.—(1) At any time before the announcement of findings under section 853 of this title (article 53), the convening authority and the accused may enter into a plea agreement with respect to such matters as—

“(A) the manner in which the convening authority will dispose of one or more charges and specifications; and

“(B) limitations on the sentence that may be adjudged for one or more charges and specifications.

“(2) The military judge of a general or special court-martial may not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

“(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject to subsection (c), the military judge of a general or special court-martial shall accept a plea agreement submitted by
the parties, except that the military judge may reject a plea agreement that proposes a sentence if the military judge determines that the proposed sentence is plainly unreasonable.

“(c) Limitation on Acceptance of Plea Agreements.—The military judge of a general or special court-martial shall reject a plea agreement that—

“(1) contains a provision that has not been accepted by both parties;

“(2) contains a provision that is not understood by the accused; or

“(3) except as provided in subsection (d), contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense referred to in section 856(b)(2) of this title (article 56(b)(2)).

“(d) Limited Conditions for Acceptance of Plea Agreement for Sentence Below Mandatory Minimum for Certain Offenses.—With respect to an offense referred to in section 856(b)(2) of this title (article 56(b)(2))—

“(1) the military judge may accept a plea agreement that provides for a sentence of bad conduct discharge; and
“(2) upon recommendation of the trial counsel,
in exchange for substantial assistance by the accused
in the investigation or prosecution of another person
who has committed an offense, the military judge
may accept a plea agreement that provides for a
sentence that is less than the mandatory minimum
sentence for the offense charged.

“(e) Binding Effect of Plea Agreement.—
Upon acceptance by the military judge of a general or spe-
cial court-martial, a plea agreement shall bind the parties
and the military judge.”.

SEC. 6615. RECORD OF TRIAL.

Section 854 of title 10, United States Code (article
54 of the Uniform Code of Military Justice), is amended—

(1) by striking subsection (a) and inserting the
following:

“(a) General and Special Courts-martial.—
Each general or special court-martial shall keep a separate
record of the proceedings in each case brought before it.
The record shall be certified by a court-reporter, except
that in the case of death, disability, or absence of a court
reporter, the record shall be certified by an official selected
as the President may prescribe by regulation.”;

(2) in subsection (b)—
(A) by striking “(b) Each special and summary court-martial” and inserting “(b) SUMMARY COURT-MARTIAL.—Each summary court-martial”; and

(B) by striking “authenticated” and inserting “certified”;

(3) by striking subsection (e) and inserting the following:

“(e) CONTENTS OF RECORD.—(1) Except as provided in paragraph (2), the record shall contain such matters as the President may prescribe by regulation.

“(2) In accordance with regulations prescribed by the President, a complete record of proceedings and testimony shall be prepared in any case of a sentence of death, discharge, confinement for more than six months, or forfeiture of pay for more than six months.”.

(4) in subsection (d)—

(A) by striking “(d) A copy” and inserting “(d) EVIDENCE.—A copy”; and

(B) by striking “authenticated” and inserting “certified”; and

(5) in subsection (e)—

(A) by striking “involving a sexual assault or other offense covered by section 920 of this
title (article 120)” in the first sentence and inserting “upon request,”; and

(B) by striking “authenticated” in the second sentence and inserting “certified”.

TITLE LXVII—SENTENCES

SEC. 6701. SENTENCING.

(a) IN GENERAL.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 856. Art. 56. Sentencing

“(a) SENTENCE MAXIMUMS.—The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense.

“(b) SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—(1) Except as provided in subsection (d) of section 853a of this title (article 53a), punishment for any offense specified in paragraph (2) shall include dismissal or dishonorable discharge, as applicable.

“(2) The offenses referred to in paragraph (1) are as follows:

“(A) Rape under subsection (a) of section 920 of this title (article 120).

“(B) Sexual assault under subsection (b) of such section (article).
“(C) Rape of a child under subsection (a) of section 920b of this title (article 120b).

“(D) Sexual assault of a child under subsection (b) of such section (article).

“(E) An attempt to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 880 of this title (article 80).

“(c) IMPOSITION OF SENTENCE.—

“(1) IN GENERAL.—In sentencing an accused under section 853 of this title (article 53), a court-martial shall impose punishment that is sufficient, but not greater than necessary, to promote justice and to maintain good order and discipline in the armed forces, taking into consideration—

“(A) the nature and circumstances of the offense and the history and characteristics of the accused;

“(B) the impact of the offense on—

“(i) the financial, social, psychological, or medical well-being of any victim of the offense; and

“(ii) the mission, discipline, or efficiency of the command of the accused and any victim of the offense;

“(C) the need for the sentence—
“(i) to reflect the seriousness of the offense;

“(ii) to promote respect for the law;

“(iii) to provide just punishment for the offense;

“(iv) to promote adequate deterrence of misconduct;

“(v) to protect others from further crimes by the accused;

“(vi) to rehabilitate the accused; and

“(vii) to provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service; and

“(D) the sentences available under this chapter.

“(2) OFFENSE BASED SENTENCING IN GENERAL AND SPECIAL COURTS-MARTIAL.—In announcing the sentence under section 853 of this title (article 53) in a general or special court-martial, the court-martial shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the court-martial shall
specify whether the terms of confinement are to run consecutively or concurrently.

“(3) Sentence of Confinement for Life Without Eligibility for Parole.—(A) If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

“(B) An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused’s life unless—

“(i) the sentence is set aside or otherwise modified as a result of—

“(I) action taken by the convening authority or the Secretary concerned; or

“(II) any other action taken during post-trial procedure and review under any other provision of subchapter IX of this chapter;

“(ii) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

“(iii) the accused is pardoned.
“(d) APPEAL OF SENTENCE BY THE UNITED STATES.—(1) With the approval of the Judge Advocate General concerned, the Government may appeal a sentence to the Court of Criminal Appeals, on the grounds that—

“(A) the sentence violates the law; or

“(B) the sentence is plainly unreasonable.

“(2) An appeal under this subsection must be filed within 60 days after the date on which the judgment of a court-martial is entered into the record under section 860c of this title (article 60c).”.

(b) CONFORMING AMENDMENT.—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is repealed.

SEC. 6701A. MINIMUM CONFINEMENT PERIOD REQUIRED FOR CONVICTION OF CERTAIN SEX-RELATED OFFENSES COMMITTED BY MEMBERS OF THE ARMED FORCES.

(a) MANDATORY PUNISHMENTS.—Subsection (b)(1) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by section 6701, is further amended by striking “shall include dismissal or dishonorable discharge, as applicable.” and inserting the following: “shall include, at a minimum—

“(A) dismissal or dishonorable discharge, as applicable; and
“(B) confinement for two years.”.

(b) APPLICATION OF AMENDMENT.—Subparagraph (B) of paragraph (1) of section 856(b) of title 10, United States Code (article 56(b) of the Uniform Code of Military Justice), as added by subsection (a), shall apply to offenses specified in paragraph (2) of such section committed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 6702. EFFECTIVE DATE OF SENTENCES.

(a) IN GENERAL.—Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 857. Art. 57. Effective date of sentences

“(a) EXECUTION OF SENTENCES.—A court-martial sentence shall be executed and take effect as follows:

“(1) FORFEITURE AND REDUCTION.—A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

“(A) the date that is 14 days after the date on which the sentence is adjudged; or
“(B) in the case of a summary court-martial, the date on which the sentence is approved by the convening authority.

“(2) CONFINEMENT.—Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

“(3) APPROVAL OF SENTENCE OF DEATH.—If the sentence of the court-martial extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as the President sees fit. That part of the sentence providing for death may not be suspended.

“(4) APPROVAL OF DISMISSAL.—If in the case of a commissioned officer, cadet, or midshipman, the sentence of a court-martial extends to dismissal, that part of the sentence providing for dismissal may not be executed until approved by the Secretary concerned or such Under Secretary or Assistant Secretary as may be designated by the Secretary con-
cerned. In such a case, the Secretary, Under Secretary, or Assistant Secretary, as the case may be, may commute, remit, or suspend the sentence, or any part of the sentence, as the Secretary sees fit. In time of war or national emergency he may commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

“(5) COMPLETION OF APPELLATE REVIEW.—If a sentence extends to death, dismissal, or a dishonorable or bad-conduct discharge, that part of the sentence extending to death, dismissal, or a dishonorable or bad-conduct discharge may be executed, in accordance with service regulations, after completion of appellate review (and, with respect to death or dismissal, approval under paragraph (3) or (4), as appropriate).

“(6) OTHER SENTENCES.—Except as otherwise provided in this subsection, a general or special court-martial sentence is effective upon entry of judgment and a summary court-martial sentence is effective when the convening authority acts on the sentence.
“(b) DEFERRAL OF SENTENCES.—(1) On application by an accused, the convening authority or, if the accused is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may, in his or her sole discretion, defer the effective date of a sentence of confinement, reduction, or forfeiture. The deferment shall terminate upon entry of judgment or, in the case of a summary court-martial, when the convening authority acts on the sentence. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

“(2) In any case in which a court-martial sentences a person referred to in paragraph (3) to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

“(3) Paragraph (2) applies to a person subject to this chapter who—

“(A) while in the custody of a State or foreign country is temporarily returned by that State or for-
eign country to the armed forces for trial by court-
martial; and

“(B) after the court-martial, is returned to that
State or foreign country under the authority of a
mutual agreement or treaty, as the case may be.

“(4) In this subsection, the term ‘State’ includes the
District of Columbia and any Commonwealth, territory, or
possession of the United States.

“(5) In any case in which a court-martial sentences
a person to confinement, but in which review of the case
under section 867(a)(2) of this title (article 67(a)(2)) is
pending, the Secretary concerned may defer further serv-
vice of the sentence to confinement while that review is
pending.

“(c) Appellate Review.—(1) Appellate review is
complete under this section when—

“(A) a review under section 865 of this title
(article 65) is completed; or

“(B) a review under section 866 of this title
(article 66) is completed by a Court of Criminal Ap-
peals and—

“(i) the time for the accused to file a peti-
tion for review by the Court of Appeals for the
Armed Forces has expired and the accused has
not filed a timely petition for such review and
the case is not otherwise under review by that
Court;

“(ii) such a petition is rejected by the
Court of Appeals for the Armed Forces; or

“(iii) review is completed in accordance
with the judgment of the Court of Appeals for
the Armed Forces and—

“(I) a petition for a writ of certiorari
is not filed within the time limits pre-
scribed by the Supreme Court;

“(II) such a petition is rejected by the
Supreme Court; or

“(III) review is otherwise completed in
accordance with the judgment of the Su-
preme Court.

“(2) The completion of appellate review shall con-
istute a final judgment as to the legality of the pro-
ceedings.”.

(b) CONFORMING AMENDMENTS.—(1) Subchapter
VIII of chapter 47 of title 10, United States Code, is
amended by striking section 857a (article 57a of the Uni-
form Code of Military Justice).

(2) Subchapter IX of chapter 47 of title 10, United
States Code, is amended by striking section 871 (article
71 of the Uniform Code of Military Justice).
(3) The second sentence of subsection (a)(1) of section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), is amended by striking “section 857(a) of this title (article 57(a))” and inserting “section 857 of this title (article 57)”. 

SEC. 6703. SENTENCE OF REDUCTION IN ENLISTED GRADE.

Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by striking “Unless otherwise provided in regulations to be prescribed by the Secretary concerned, a” and inserting “A”;

(B) by striking “as approved by the convening authority” and inserting “as set forth in the judgment of the court-martial entered into the record under section 860c of this title (article 60c)”;

and

(C) in the matter after paragraph (3), by striking “of that approval” and inserting “on which the judgment is so entered”; and

(2) in subsection (b), by striking “disapproved, or, as finally approved” and inserting “reduced, or, as finally affirmed”.
TITLE LXVIII—POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

SEC. 6801. POST-TRIAL PROCESSING IN GENERAL AND SPECIAL COURTS-MARTIAL.

Section 860 of title 10, United States Code (article 60 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 860. Art. 60. Post-trial processing in general and special courts-martial

“(a) Statement of Trial Results.—(1) The military judge of a general or special court-martial shall enter into the record of trial a document entitled ‘Statement of Trial Results’, which shall set forth—

“(A) each plea and finding;

“(B) the sentence, if any; and

“(C) such other information as the President may prescribe by regulation.

“(2) Copies of the Statement of Trial Results shall be provided promptly to the convening authority, the accused, and any victim of the offense.

“(b) Post-trial Motions.—In accordance with regulations prescribed by the President, the military judge in a general or special court-martial shall address all post-trial motions and other post-trial matters that—
“(1) may affect a plea, a finding, the sentence, the Statement of Trial Results, the record of trial, or any post-trial action by the convening authority; and

“(2) are subject to resolution by the military judge before entry of judgment.”.

SEC. 6802. LIMITED AUTHORITY TO ACT ON SENTENCE IN SPECIFIED POST-TRIAL CIRCUMSTANCES.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860 (article 60 of the Uniform Code of Military Justice), as amended by section 6801, the following new section (article):

“§ 860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances

“(a) In General.—(1) The convening authority of a general or special court-martial described in paragraph (2)—

“(A) may act on the sentence of the court-martial only as provided in subsection (b), (c), or (d); and

“(B) may not act on the findings of the court-martial.

“(2) The courts-martial referred to in paragraph (1) are the following:
“(A) A general or special court-martial in which
the maximum sentence of confinement established
under subsection (a) of section 856 of this title (article
56) for any offense of which the accused is found
guilty is more than two years.

“(B) A general or special court-martial in which
the total of the sentences of confinement imposed,
running consecutively, is more than six months.

“(C) A general or special court-martial in which
the sentence imposed includes a dismissal, dishonor-
able discharge, or bad-conduct discharge.

“(D) A general or special court-martial in
which the accused is found guilty of a violation of
subsection (a) or (b) of section 920 of this title (ar-
ticle 120), section 920b of this title (article 120b),
or such other offense as the Secretary of Defense
may specify by regulation.

“(3) Except as provided in subsection (d), the con-
vening authority may act under this section only before
entry of judgment.

“(4) Under regulations prescribed by the Secretary
concerned, a commissioned officer commanding for the
time being, a successor in command, or any person exer-
cising general court-martial jurisdiction may act under
this section in place of the convening authority.
“(b) Reduction, Commutation, and Suspension of Sentences Generally.—(1) Except as provided in subsection (c) or (d), the convening authority may not reduce, commute, or suspend any of the following sentences:

“(A) A sentence of confinement, if the total period of confinement imposed for all offenses involved, running consecutively, is greater than six months.

“(B) A sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

“(C) A sentence of death.

“(2) The convening authority may reduce, commute, or suspend any sentence not specified in paragraph (1).

“(c) Suspension of Certain Sentences Upon Recommendation of Military Judge.—(1) Upon recommendation of the military judge, as included in the Statement of Trial Results, together with an explanation of the facts supporting the recommendation, the convening authority may suspend—

“(A) a sentence of confinement, in whole or in part; or

“(B) a sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

“(2) The convening authority may not, under paragraph (1)—
“(A) suspend a mandatory minimum sentence; or

“(B) suspend a sentence to an extent in excess of the suspension recommended by the military judge.

“(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE BY ACCUSED.—(1) Upon a recommendation by the trial counsel, if the accused, after sentencing and before entry of judgment, provides substantial assistance in the investigation or prosecution of another person, the convening authority may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

“(2) Upon a recommendation by a trial counsel, designated in accordance with rules prescribed by the President, if the accused, after entry of judgment, provides substantial assistance in the investigation or prosecution of another person, a convening authority, designated under such regulations, may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

“(3) In evaluating whether the accused has provided substantial assistance under this subsection, the convening authority may consider the presentence assistance of the accused.
(e) Submissions by Accused and Victim.—(1) In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of an offense. Such rules shall include—

(A) procedures for notice of the opportunity to make such submissions;

(B) the deadlines for such submissions; and

(C) procedures for providing the accused and any victim of an offense with a copy of the recording of any open sessions of the court-martial and copies of, or access to, any admitted, unsealed exhibits.

(2) The convening authority shall not consider under this section any submitted matters that relate to the character of a victim unless such matters were presented as evidence at trial and not excluded at trial.

(f) Decision of Convening Authority.—(1) The decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

(2) If, under this section, the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall include a written explanation of the reasons for such action.
“(3) If, under subsection (d)(2), the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall be forwarded to the chief trial judge for appropriate modification of the entry of judgment, which shall be transmitted to the Judge Advocate General for appropriate action.”

SEC. 6803. POST-TRIAL ACTIONS IN SUMMARY COURTS-MARTIAL AND CERTAIN GENERAL AND SPECIAL COURTS-MARTIAL.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860a (article 60a of the Uniform Code of Military Justice), as amended by section 6802, the following new section (article):

“§ 860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial

“(a) IN GENERAL.—(1) In a court-martial not specified in subsection (a)(2) of section 860a of this title (article 60a), the convening authority may—

“(A) dismiss any charge or specification by setting aside the finding of guilty;

“(B) change a finding of guilty to a charge or specification to a finding of guilty to a lesser included offense;
“(C) disapprove the findings and the sentence and dismiss the charges and specifications;

“(D) disapprove the findings and the sentence and order a rehearing as to the findings and the sentence;

“(E) disapprove, commute, or suspend the sentence, in whole or in part; or

“(F) disapprove the sentence and order a rehearing as to the sentence.

“(2) In a summary court-martial, the convening authority shall approve the sentence or take other action on the sentence under paragraph (1).

“(3) Except as provided in paragraph (4), the convening authority may act under this section only before entry of judgment.

“(4) The convening authority may act under this section after entry of judgment in a general or special court-martial in the same manner as the convening authority may act under subsection (d)(2) of section 860a of this title (article 60a). Such action shall be forwarded to the chief trial judge, who shall ensure appropriate modification to the entry of judgment and shall transmit the entry of judgment to the Judge Advocate General for appropriate action.
“(5) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

“(b) LIMITATIONS ON REHEARINGS.—The convening authority may not order a rehearing under this section—

“(1) as to the findings, if there is insufficient evidence in the record to support the findings;

“(2) to reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or

“(3) to reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this chapter.

“(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of the offense. Such rules shall include the matter required by subsection (e) of section 860a of this title (article 60a).
“(d) DECISION OF CONVENCING AUTHORITY.—(1) In a general or special court-martial, the decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

“(2) If the convening authority acts on the findings or the sentence under subsection (a)(1), the decision of the convening authority shall include a written explanation of the reasons for such action.”

SEC. 6804. ENTRY OF JUDGMENT.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860b (article 60b of the Uniform Code of Military Justice), as added by section 903, the following new section (article):

“§ 860c. Art. 60c. Entry of judgment

“(a) ENTRY OF JUDGMENT OF GENERAL OR SPECIAL COURT-MARTIAL.—(1) In accordance with rules prescribed by the President, in a general or special court-martial, the military judge shall enter into the record of trial the judgment of the court. The judgment of the court shall consist of the following:

“(A) The Statement of Trial Results under section 860 of this title (article 60).

“(B) Any modifications of, or supplements to, the Statement of Trial Results by reason of—
“(i) any post-trial action by the convening authority; or

“(ii) any ruling, order, or other determination of the military judge that affects a plea, a finding, or the sentence.

“(2) Under rules prescribed by the President, the judgment under paragraph (1) shall be—

“(A) provided to the accused and to any victim of the offense; and

“(B) made available to the public.

“(b) SUMMARY COURT-MARTIAL JUDGMENT.—The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under section 860b of this title (article 60b), constitutes the judgment of the court-martial and shall be recorded and distributed under rules prescribed by the President.”.

SEC. 6805. WAIVER OF RIGHT TO APPEAL AND WITHDRAWAL OF APPEAL.

Section 861 of title 10, United States Code (article 61 of the Uniform Code of Military Justice), is amended to read as follows:
§ 861. Art. 61. Waiver of right to appeal; withdrawal
of appeal

“(a) WAIVER OF RIGHT TO APPEAL.—After entry of
judgment in a general or special court-martial, under pro-
cedures prescribed by the Secretary concerned, the ac-
cused may waive the right to appellate review in each case
subject to such review under section 866 (article 66). Such
a waiver shall be—

“(1) signed by the accused and by defense
counsel; and

“(2) attached to the record of trial.

“(b) WITHDRAWAL OF APPEAL.—In a general or spe-
cial court-martial, the accused may withdraw an appeal
at any time.

“(c) DEATH PENALTY CASE EXCEPTION.—Notwith-
standing subsections (a) and (b), an accused may not
waive the right to appeal or withdraw an appeal with re-
spect to a judgment that includes a sentence of death.

“(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver
or withdrawal under this section bars review under section
866 of this title (article 66).”.

SEC. 6806. APPEAL BY THE UNITED STATES.

Section 862 of title 10, United States Code (article
62 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1) of subsection (a)—
(A) in the matter before subparagraph (A),
by striking “court-martial” and all that follows
through the colon at the end and inserting
“general or special court-martial, the United
States may appeal the following;”; and

(B) by adding at the end the following new
paragraph:

“(G) An order or ruling of the military
judge entering a finding of not guilty with re-
spect to a charge or specification following the
return of a finding of guilty by the members.”;

(2) in paragraph (2) of subsection (a)—

(A) by striking “(2)” and inserting
“(2)(A)”; and

(B) by adding at the end the following new
paragraph:

“(B) An appeal of an order or ruling may
not be taken when prohibited by section 844 of
this title (article 44).”; and

(3) by adding at the end the following:

“(d) The United States may appeal a ruling or order
of a military magistrate in the same manner as had the
ruling or order been made by a military judge, except that
the issue shall first be presented to the military judge who
designated the military magistrate or to a military judge
detailed to hear the issue.

“(e) The provisions of this article shall be liberally
construed to effect its purposes.”.

**SEC. 6807. REHEARINGS.**

Section 863 of title 10, United States Code (article
63 of the Uniform Code of Military Justice), is amended—
(1) by inserting “(a)” before “Each rehearing”;
(2) in the second sentence, by striking “may be
approved” and inserting “may be adjudged”;
(3) by striking the third sentence; and
(4) by adding at the end the following new sub-
sections:

“(b) If the sentence adjudged by the first court-martial
was in accordance with a plea agreement under section
853a of this title (article 53a) and the accused at the re-
hearing does not comply with the agreement, or if a plea
of guilty was entered for an offense at the first court-martial
and a plea of not guilty was entered at the rehearing,
the sentence as to those charges or specifications may in-
clude any punishment not in excess of that which could
have been adjudged at the first court-martial.

“(c) If, after appeal by the Government under section
856(d) of this title (article 56(d)), the sentence adjudged
is set aside and a rehearing on sentence is ordered by the
Court of Criminal Appeals or Court of Appeals for the Armed Forces, the court-martial may impose any sentence that is in accordance with the order or ruling setting aside the adjudged sentence.”.

SEC. 6808. JUDGE ADVOCATE REVIEW OF FINDING OF GUILTY IN SUMMARY COURT-MARTIAL.

(a) In General.—Subsection (a) of section 864 of title 10, United States Code (article 64 of the Uniform Code of Military Justice), is amended by striking the first two sentences and inserting the following:

“(a) In General.—Under regulations prescribed by the Secretary concerned, each summary court-martial in which there is a finding of guilty shall be reviewed by a judge advocate. A judge advocate may not review a case under this subsection if the judge advocate has acted in the same case as an accuser, preliminary hearing officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense.”.

(b) Technical and Conforming Amendments.—

(1) The heading for such section (article) is amended to read as follows:

“§864. Art. 64. Judge advocate review of finding of guilty in summary court-martial”.

(2) Subsection (b) of such section is amended—
(A) by striking “(b) The record” and inserting “RECORD.—The record”;
(B) by inserting “or” at the end of paragraph (1);
(C) by striking paragraph (2); and
(D) by redesignating paragraph (3) as paragraph (2).

(3) Subsection (c)(3) of such section (article) is amended by striking “section 869(b) of this title (article 69(b)).” and inserting “section 869 of this title (article 69).”.

SEC. 6809. TRANSMITTAL AND REVIEW OF RECORDS.
Section 865 of title 10, United States Code (article 65 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 865. Art. 65. Transmittal and review of records
“(a) TRANSMITTAL OF RECORDS.—(1) If the judgment of a general or special court-martial entered under section 860c of this title (article 60c) includes a finding of guilty, the record shall be transmitted to the Judge Advocate General.
“(2) In all other cases, records of trial by court-martial and related documents shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation.
“(b) REVIEW BY JUDGE ADVOCATE GENERAL.—

“(1) BY WHOM.—A review conducted under this subsection may be conducted by an attorney within the Office of the Judge Advocate General or another attorney designated under regulations prescribed by the Secretary concerned.

“(2) REVIEW OF CASES NOT ELIGIBLE FOR APPELLATE REVIEW BY A COURT OF CRIMINAL APPEALS.—

“(A) A review under subparagraph (B) shall be completed in each general and special court-martial that is not eligible for appellate review under paragraph (1) or (2) of section 866(b) of this title (article 66(b)).

“(B) A review referred to in subparagraph (A) shall include a written decision providing each of the following:

“(i) A conclusion as to whether the court had jurisdiction over the accused and the offense.

“(ii) A conclusion as to whether the charge and specification stated an offense.

“(iii) A conclusion as to whether the sentence was within the limits prescribed as a matter of law.
“(iv) A response to each allegation of error made in writing by the accused.

“(3) Review when appellate review by a court of criminal appeals is waived or withdrawn.—

“(A) A review under subparagraph (B) shall be completed in each general and special court-martial if the accused waives the right to appellate review or withdraws appeal under section 861 of this title (article 61).

“(B) A review referred to in subparagraph (A) shall include a written decision limited to providing conclusions on the matters specified in clauses (i), (ii), and (iii) of paragraph (2)(B).

“(c) Remedy.—(1) If after a review of a record under subsection (b), the attorney conducting the review believes corrective action may be required, the record shall be forwarded to the Judge Advocate General, who may set aside the findings or sentence, in whole or in part.

“(2) In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).
“(3)(A) If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

“(B) If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.”.

SEC. 6810. COURTS OF CRIMINAL APPEALS.

(a) Appellate Military Judges.—Subsection (a) of section 866 of chapter 47 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking “subsection (f)” and inserting “subsection (g)”;

(2) in the fourth sentence, by inserting after “highest court of a State” the following: “and must be certified by the Judge Advocate General as qualified, by reason of education, training, experience, and judicial temperament, for duty as an appellate military judge”; and

(3) by adding at the end the following new sentence: “In accordance with regulations prescribed by the President, assignments of appellate military judges under this section (article) shall be for appro-
priate minimum periods, subject to such exceptions as may be authorized in the regulations.”.

(b) Revision of Appellate Procedures.—Such section (article) is further amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(2) by striking subsections (b), (c), and (d) and inserting the following new subsections:

“(b) Review.—(1) The Judge Advocate General shall refer to a Court of Criminal Appeals the record in any of the following cases of trial by court-martial:

“(A) A case in which the judgment entered into the record under section 860c of this title (article 60c) includes a sentence of death, dismissal of a commissioned officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for more than six months.

“(B) A case in which the Government previously filed an appeal under sections 856(d) or 862 of this title (articles 56(d) or 62).

“(C) A case in which the right to appellate review has not been waived or an appeal has not been withdrawn under section 861 of this title (article
(2) A Court of Criminal Appeals shall have jurisdiction to review the judgment of a court-martial, entered into the record under section 860c of this title (article 60c), in a case in which the accused filed an application for review with the Court under section 869(d)(1)(B) of this title (article 69(d)(1)(B)) and the application has been granted by the Court.

(c) DUTIES.—(1) In a case referred to it, the Court of Criminal Appeals may act only with respect to the findings and sentence as entered into the record under section 860c of this title (article 60c). It may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, it may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

(2) In any case before the Court of Criminal Appeals under paragraph (1) or (2) of subsection (b), the Court may provide appropriate relief if the accused demonstrates error or excessive delay in the processing of the
court-martial after the judgment was entered into the record under section 860c of this title (article 60e).

“(3) In review of a sentence to death or to life in prison without eligibility for parole determined by the members in a capital case under section 853 of this title (article 53), the Court of Criminal Appeals must consider whether the sentence is otherwise appropriate, under rules prescribed by the President.

“(4) If the Court of Criminal Appeals sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

“(d) Consideration of Appeal of Sentence by the United States.—(1) In considering a sentence on appeal, other than as provided in section 856(d) of this title (article 56(d)), the Court of Criminal Appeals may consider—

“(A) whether the sentence violates the law; and

“(B) whether the sentence is plainly unreasonable.

“(2) In an appeal under section 856(d) of this title (article 56(d)), the record on appeal shall consist of—
“(A) any portion of the record in the case that is designated as pertinent by either of the parties;

“(B) the information submitted during the sentencing proceeding; and

“(C) any information required by rule or order of the Court of Criminal Appeals.

“(e) LIMITS OF AUTHORITY.—(1)(A) If the Court of Criminal Appeals sets aside the findings, the Court—

“(i) may affirm any lesser included offense; and

“(ii) may, except when prohibited by section 844 of this title (article 44), order a rehearing.

“(B) If the Court of Criminal Appeals orders a rehearing on a charge and the convening authority finds a rehearing impracticable, the convening authority may dismiss the charge.

“(C) If the Court of Criminal Appeals sets aside the findings and does not order a rehearing, the Court shall order that the charges be dismissed.

“(2) If the Court of Criminal Appeals sets aside the sentence, the Court may—

“(A) modify the sentence to a lesser sentence;

or

“(B) order a rehearing.
“(3) If the Court determines that additional proceedings are warranted, the Court may order a hearing as may be necessary to address a substantial issue, subject to such limitations as the Court may direct and under such regulations as the President may prescribe.”.

(c) Action When Rehearing Impracticable After Rehearing Order.—Subsection (f) of such section (article), as redesignated by subsection (b)(1), is amended—

(1) in the first sentence, by striking “convening authority” and inserting “appropriate authority”;

and

(2) by striking the last sentence.

(d) Eligibility to Review the Record.—Subsection (i) of such section (article), as redesignated by subsection (b)(1), is amended by striking “an investigating officer” and inserting “an investigating or a preliminary hearing officer”.

(e) Section Heading.—The heading for such section (article) is amended to read as follows:

“§ 866. Art. 66. Courts of Criminal Appeals”.

Sec. 6811. Review by Court of Appeals for the Armed Forces.

(a) JAG Notification.—Subsection (a)(2) of section 867 of title 10, United States Code (article 67 of the Uni-
form Code of Military Justice), is amended by inserting
after “the Judge Advocate General” the following: “, after
appropriate notification to the other Judge Advocates
General and to the Staff Judge Advocate to the Com-
mandant of the Marine Corps,”.

(b) BASIS FOR REVIEW.—Subsection (c) of such sec-
tion (article) is amended—

(1) by inserting “(1)” after “(c)”;
(2) by designating the second sentence as para-
graph (2);
(3) by designating the third sentence as para-
graph (3);
(4) by designating the fourth sentence as para-
graph (4); and
(5) in paragraph (1), as designated by para-
graph (1) of this subsection, by striking “only with
respect to” and all that follows through the end of
the sentence and inserting the following:

“(1) “only with respect to—

“(A) the findings and sentence set forth in
the entry of judgment, as affirmed or set aside
as incorrect in law by the Court of Criminal
Appeals; or
“(B) a decision, judgment, or order by a
military judge, as affirmed or set aside as in-
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1 correct in law by the Court of Criminal Ap-
2 peals.”.

3 SEC. 6812. SUPREME COURT REVIEW.
4 The second sentence of subsection (a) of section 867a
5 of title 10, United States Code (article 67a of the Uniform
6 Code of Military Justice), is amended by inserting before
7 “Court of Appeals” the following: “United States”.

8 SEC. 6813. REVIEW BY JUDGE ADVOCATE GENERAL.
9 Section 869 of title 10, United States Code (article
10 69 of the Uniform Code of Military Justice), is amended
11 to read as follows:

12 “§ 869. Art. 69. Review by Judge Advocate General
13 “(a) IN GENERAL.—Upon application by the accused
14 and subject to subsections (b), (c), and (d), the Judge Ad-
15 vocate General may modify or set aside, in whole or in
16 part, the findings and sentence in a court-martial that is
17 not reviewed under section 866 of this title (article 66).
18 “(b) TIMING.—To qualify for consideration, an appli-
19 cation under subsection (a) must be submitted to the
20 Judge Advocate General not later than one year after the
21 date of completion of review under section 864 or 865 of
22 this title (article 64 or 65), as the case may be. The Judge
23 Advocate General may, for good cause shown, extend the
24 period for submission of an application, but may not con-
consider an application submitted more than three years after such completion date.

“(c) Scope.—(1)(A) In a case reviewed under section 864 or section 865(b) of this title (article 64 or 65(b)), the Judge Advocate General may set aside the findings or sentence, in whole or in part on the grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence.

“(B) In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (Article 44).

“(C) If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

“(D) If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.

“(2) In a case reviewed under section 865(b) of this title (article 65(b)), review under this section is limited to the issue of whether the waiver or withdrawal of an appeal was invalid under the law. If the Judge Advocate
General determines that the waiver or withdrawal of an appeal was invalid, the Judge Advocate General shall order appropriate corrective action under rules prescribed by the President.

“(d) COURT OF CRIMINAL APPEALS.—(1) A Court of Criminal Appeals may review the action taken by the Judge Advocate General under subsection (c)—

“(A) in a case sent to the Court of Criminal Appeals by order of the Judge Advocate General; or

“(B) in a case submitted to the Court of Criminal Appeals by the accused in an application for review.

“(2) The Court of Criminal Appeals may grant an application under paragraph (1)(B) only if—

“(A) the application demonstrates a substantial basis for concluding that the action on review under subsection (c) constituted prejudicial error; and

“(B) the application is filed not later than the earlier of—

“(i) 60 days after the date on which the accused is notified of the decision of the Judge Advocate General; or

“(ii) 60 days after the date on which a copy of the decision of the Judge Advocate General is deposited in the United States mails for
delivery by first-class certified mail to the ac-
cused at an address provided by the accused or,
if no such address has been provided by the ac-
cused, at the latest address listed for the ac-
cused in his official service record.

“(3) The submission of an application for review
under this subsection does not constitute a proceeding be-
fore the Court of Criminal Appeals for purposes of section
870(e)(1) of this title (article 70(e)(1)).

“(e) Notwithstanding section 866 of this title (article
66), in any case reviewed by a Court of Criminal Appeals
under subsection (d), the Court may take action only with
respect to matters of law.”.

SEC. 6814. APPELLATE DEFENSE COUNSEL IN DEATH PEN-
ALTY CASES.

Section 870 of title 10, United States Code (article
70 of the Uniform Code of Military Justice), is amended
by adding at the end the following new subsection:

“(f) To the greatest extent practicable, in any capital
case, at least one defense counsel under subsection (c)
shall, as determined by the Judge Advocate General, be
learned in the law applicable to such cases. If necessary,
this counsel may be a civilian and, if so, may be com-
pensated in accordance with regulations prescribed by the
Secretary of Defense.”.
SEC. 6815. AUTHORITY FOR HEARING ON VACATION OF 
SUSPENSION OF SENTENCE TO BE CONDUCTED BY QUALIFIED JUDGE ADVOCATE.

(a) IN GENERAL.—Subsection (a) of section 872 of title 10, United States Code (article 72) of the Uniform Code of Military Justice), is amended by inserting after the first sentence the following new sentence: “The special court-martial convening authority may detail a judge advocate, who is certified under section 827(b) of this title (article 27(b)), to conduct the hearing.”.

(b) TECHNICAL AMENDMENTS.—Such section (article) is further amended—

(1) in the last sentence of subsection (a), by striking “if he so desires” and inserting “if the probationer so desires”; and

(2) in the second sentence of subsection (b)—

(A) by striking “If he” and inserting “If the officer exercising general court-martial jurisdiction”; and

(B) by striking “section 871(c) of this title (article 71(c)).” and inserting “section 857 of this title (article 57)).”.

SEC. 6816. EXTENSION OF TIME FOR PETITION FOR NEW TRIAL.

The first sentence of section 873 of title 10, United States Code (article 73 of the Uniform Code of Military
1. Justice), is amended by striking “two years after approval
by the convening authority of a court-martial sentence,”
and inserting “three years after the date of the entry of
judgment under section 860c of this title (article 60c),”.

SEC. 6817. RESTORATION.
Section 875 of title 10, United States Code (article
75 of the Uniform Code of Military Justice), is amended
by adding at the end the following new subsection:
“(d) The President shall prescribe regulations, with
such limitations as the President considers appropriate,
governing eligibility for pay and allowances for the period
after the date on which an executed part of a court-martial
sentence is set aside.”.

SEC. 6818. LEAVE REQUIREMENTS PENDING REVIEW OF
CERTAIN COURT-MARTIAL CONVICTIONS.
Section 876a of title 10, United States Code (article
76a of the Uniform Code of Military Justice), is amend-
ed—
(1) in the first sentence, by striking “, as ap-
proved under section 860 of this title (article 60),”;
and
(2) in the second sentence, by striking “on
which the sentence is approved under section 860 of
this title (article 60)” and inserting “of the entry of
judgment under section 860c of this title (article 60e)”.

TITLE LXIX—PUNITIVE ARTICLES

SEC. 6901. REORGANIZATION OF PUNITIVE ARTICLES.

Sections of subchapter X of chapter 47 of title 10, United States Code (articles of the Uniform Code of Military Justice), are transferred within subchapter X and re-designated as follows:

(1) Enlistment and Separation.—Sections 883 and 884 (articles 83 and 84) are transferred so as to appear (in that order) after section 904 (article 104) and are redesignated as sections 904a and 904b (articles 104a and 104b), respectively.

(2) Resistance, flight, breach of arrest, and escape.—Section 895 (article 95) is transferred so as to appear after section 887 (article 87) and is redesignated as section 887a (article 87a).

(3) Noncompliance with procedural rules.—Section 898 (article 98) is transferred so as to appear after section 931 (article 131) and is redesignated as section 931f (article 131f).

(4) Captured or abandoned property.— Section 903 (article 103) is transferred so as to ap-
pear after section 908 (article 108) and is redesignated as section 908a (article 108a).

(5) AIDING THE ENEMY.—Section 904 (article 104) is redesignated as section 903b (article 103b).

(6) MISCONDUCT AS PRISONER.—Section 905 (article 105) is transferred so as to appear after section 897 (article 97) and is redesignated as section 898 (article 98).

(7) SPIES; ESPIONAGE.—Sections 906 and 906a (articles 106 and 106a) are transferred so as to appear (in that order) after section 902 (article 102) and are redesignated as sections 903 and 903a (articles 103 and 103a), respectively.

(8) MISBEHAVIOR OF SENTINEL.—Section 913 (article 113) is transferred so as to appear after section 894 (article 94) and is redesignated as section 895 (article 95).

(9) DRUNKEN OR RECKLESS OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (article 111) is transferred so as to appear after section 912a (article 912a) and is redesignated as section 913 (article 113).

(10) HOUSEBREAKING.—Section 930 (article 130) is redesignated as section 929a (article 129a).
(11) STALKING.—Section 920a (article 120a) is transferred so as to appear after section 929a (article 129a), as redesignated by paragraph (10), and is redesignated as section 930 (article 130).

(12) FORGERY.—Section 923 (article 123) is transferred so as to appear after section 904b (article 104b), as transferred and redesignated by paragraph (1), and is redesignated as section 905 (article 105).

(13) MAIMING.—Section 924 (article 124) is transferred so as to appear after section 928 (article 128) and is redesignated as section 928a (article 128a).

(14) FRAUDS AGAINST THE UNITED STATES.—Section 932 of (article 132) is transferred so as to appear after section 923a (article 123a) and is redesignated as section 924 (article 124).

SEC. 6902. CONVICTION OF OFFENSE CHARGED, LESSER INCLUDED OFFENSES, AND ATTEMPTS.

Section 879 of title 10, United States Code (article 79 of the Uniform Code of Military Justice), is amended to read as follows:
§ 879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts

“(a) IN GENERAL.—An accused may be found guilty of any of the following:

“(1) The offense charged.

“(2) A lesser included offense.

“(3) An attempt to commit the offense charged.

“(4) An attempt to commit a lesser included offense, if the attempt is an offense in its own right.

“(b) DEFINITION.—In this section (article), the term ‘lesser included offense’ means—

“(1) an offense that is necessarily included in the offense charged; and

“(2) any lesser included offense so designated by regulation prescribed by the President.

“(c) REGULATORY AUTHORITY.—Any designation of a lesser included offense in a regulation referred to in subsection (b) shall be reasonably included in the greater offense.”.

SEC. 6903. SOLICITING COMMISSION OF OFFENSES.

Section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice), is amended to read as follows:

§ 882. Art. 82. Soliciting commission of offenses

“(a) SOLICITING COMMISSION OF OFFENSES GENERALLY.—Any person subject to this chapter who solicits
or advises another to commit an offense under this chapter (other than an offense specified in subsection (b)) shall be punished as a court-martial may direct.

“(b) SOLICITING DESERTION, MUTINY, SEDITION, OR MISBEHAVIOR BEFORE THE ENEMY.—Any person subject to this chapter who solicits or advises another to violate section 885 of this title (article 85), section 894 of this title (article 94), or section 899 of this title (article 99)—

“(1) if the offense solicited or advised is attempted or is committed, shall be punished with the punishment provided for the commission of the offense; and

“(2) if the offense solicited or advised is not attempted or committed, shall be punished as a court-martial may direct.”.

SEC. 6904. MALINGERING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 882 (article 82 of the Uniform Code of Military Justice), as amended by section 6903, the following new section (article):

“§883. Art. 83. Malingering

“Any person subject to this chapter who, with the intent to avoid work, duty, or service—
“(1) feigns illness, physical disablement, mental lapse, or mental derangement; or

“(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.”.

SEC. 6905. BREACH OF MEDICAL QUARANTINE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 883 (article 83 of the Uniform Code of Military Justice), as added by section 6904, the following new section (article):

“§ 884. Art. 84. Breach of medical quarantine

“Any person subject to this chapter—

“(1) who is ordered into medical quarantine by a person authorized to issue such order; and

“(2) who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority;

shall be punished as a court-martial may direct.”.

SEC. 6906. MISSING MOVEMENT; JUMPING FROM VESSEL.

Section 887 of title 10, United States Code (article 87 of the Uniform Code of Military Justice), is amended to read as follows:
“§ 887. Art. 87. Missing movement; jumping from vessel

(a) MISSING MOVEMENT.—Any person subject to this chapter who, through neglect or design, misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

(b) JUMPING FROM VESSEL INTO THE WATER.—Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the armed forces shall be punished as a court-martial may direct.”.

SEC. 6907. OFFENSES AGAINST CORRECTIONAL CUSTODY AND RESTRICTION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 887a (article 87a of the Uniform Code of Military Justice), as transferred and redesignated by section 6901(2), the following new section (article):

“§ 887b. Art. 87b. Offenses against correctional custody and restriction

(a) ESCAPE FROM CORRECTIONAL CUSTODY.—Any person subject to this chapter—

“(1) who is placed in correctional custody by a person authorized to do so;
“(2) who, while in correctional custody, is under physical restraint; and

“(3) who escapes from the physical restraint before being released from the physical restraint by proper authority;

shall be punished as a court-martial may direct.

“(b) Breach of Correctional Custody.—Any person subject to this chapter—

“(1) who is placed in correctional custody by a person authorized to do so;

“(2) who, while in correctional custody, is under restraint other than physical restraint; and

“(3) who goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority;

shall be punished as a court-martial may direct.

“(c) Breach of Restriction.—Any person subject to this chapter—

“(1) who is ordered to be restricted to certain limits by a person authorized to do so; and

“(2) who, with knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority;

shall be punished as a court-martial may direct.”.
SEC. 6908. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER; ASSAULT OF SUPERIOR COMMISSIONED OFFICER.

Section 889 of title 10, United States Code (article 89 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer

“(a) DISRESPECT.—Any person subject to this chapter who behaves with disrespect toward that person’s superior commissioned officer shall be punished as a court-martial may direct.

“(b) ASSAULT.—Any person subject to this chapter who strikes that person’s superior commissioned officer or draws or lifts up any weapon or offers any violence against that officer while the officer is in the execution of the officer’s office shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

“(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.”.
SEC. 6909. WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.

Section 890 of title 10, United States Code (article 90 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 890. Art. 90. Willfully disobeying superior commissioned officer

Any person subject to this chapter who willfully disobeys a lawful command of that person’s superior commissioned officer shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

“(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.”.

SEC. 6910. PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 893 (article 93 of the Uniform Code of Military Justice), the following new section (article):
§ 893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust

“(a) Abuse of training leadership position.— Any person subject to this chapter—

“(1) who is an officer, a noncommissioned officer, or a petty officer;

“(2) who is in a training leadership position with respect to a specially protected junior member of the armed forces; and

“(3) who engages in prohibited sexual activity with such specially protected junior member of the armed forces;

shall be punished as a court-martial may direct.

“(b) Abuse of position as military recruiter.— Any person subject to this chapter—

“(1) who is a military recruiter and engages in prohibited sexual activity with an applicant for military service; or

“(2) who is a military recruiter and engages in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program;

shall be punished as a court-martial may direct.
“(c) CONSENT.—Consent is not a defense for any conduct at issue in a prosecution under this section (article).

“(d) DEFINITIONS.—In this section (article):

“(1) Specially protected junior member of the armed forces.—The term ‘specially protected junior member of the armed forces’ means—

“(A) a member of the armed forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program;

“(B) a member of the armed forces who is a cadet, a midshipman, an officer candidate, or a student in any other officer qualification program; and

“(C) a member of the armed forces in any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

“(2) Training leadership position.—The term ‘training leadership position’ means, with respect to a specially protected junior member of the armed forces, any of the following:
“(A) Any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers’ training corps unit, a training program for entry into the armed forces, or any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

“(B) Faculty and staff of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy.

“(3) Applicant for military service.—The term ‘applicant for military service’ means a person who, under regulations prescribed by the Secretary concerned, is an applicant for original enlistment or appointment in the armed forces.

“(4) Military recruiter.—The term ‘military recruiter’ means a person who, under regulations prescribed by the Secretary concerned, has the primary duty to recruit persons for military service.

“(5) Prohibited sexual activity.—The term ‘prohibited sexual activity’ means, as specified in regulations prescribed by the Secretary concerned,
inappropriate physical intimacy under circumstances

SEC. 6911. OFFENSES BY SENTINEL OR LOOKOUT.

Section 895 of title 10, United States Code (article 95 of the Uniform Code of Military Justice), as transferred and redesignated by section 6901(8), is amended to read as follows:

“§ 895. Art. 95. Offenses by sentinel or lookout

“(a) Drunk or Sleeping on Post, or Leaving Post Before Being Relieved.—Any sentinel or lookout who is drunk on post, who sleeps on post, or who leaves post before being regularly relieved, shall be punished—

“(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

“(2) if the offense is committed other than in time of war, by such punishment, other than death, as a court-martial may direct.

“(b) Loitering or Wrongfully Sitting on Post.—Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished as a court-martial may direct.”.
SEC. 6912. DISRESPECT TOWARD SENTINEL OR LOOKOUT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 895 (article 95 of the Uniform Code of Military Justice), as amended by section 6911, the following new section (article):

"§ 895a. Art. 95a. Disrespect toward sentinel or lookout

(a) DISRESPECTFUL LANGUAGE TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, uses wrongful and disrespectful language that is directed toward and within the hearing of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.

(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.”.

SEC. 6913. RELEASE OF PRISONER WITHOUT AUTHORITY; DRINKING WITH PRISONER.

Section 896 of title 10, United States Code (article 96 of the Uniform Code of Military Justice), is amended to read as follows:
§ 896. Art. 96. Release of prisoner without authority; drinking with prisoner

“(a) RELEASE OF PRISONER WITHOUT AUTHORITY.—Any person subject to this chapter—

“(1) who, without authority to do so, releases a prisoner; or

“(2) who, through neglect or design, allows a prisoner to escape;

shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with the law.

“(b) DRINKING WITH PRISONER.—Any person subject to this chapter who unlawfully drinks any alcoholic beverage with a prisoner shall be punished as a court-martial may direct.”.

SEC. 6914. PENALTY FOR ACTING AS A SPY.

Section 903 of title 10, United States Code (article 103 of the Uniform Code of Military Justice), as transferred and redesignated by section 6901(7), is amended by inserting before the period at the end of the first sentence the following: “or such other punishment as a court-martial or a military commission may direct”.

SEC. 6915. PUBLIC RECORDS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 903b (article 103b of the Uniform Code of Military Justice), as redesign-
nated by section 6901(5), the following new section (article):

“§ 904. Art. 104. Public records offenses

“Any person subject to this chapter who, willfully and unlawfully—

“(1) alters, conceals, removes, mutilates, obliterates, or destroys a public record; or

“(2) takes a public record with the intent to alter, conceal, remove, mutilate, obliterate, or destroy the public record;

shall be punished as a court-martial may direct.”.

SEC. 6916. FALSE OR UNAUTHORIZED PASS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905 (article 105 of the Uniform Code of Military Justice), as transferred and redesignated by section 6901(12), the following new section (article):

“§ 905a. Art. 105a. False or unauthorized pass offenses

“(a) Wrongful Making, Altering, etc.—Any person subject to this chapter who, wrongfully and falsely, makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification card shall be punished as a court-martial may direct.
“(b) WRONGFUL SALE, ETC.—Any person subject to this chapter who wrongfully sells, gives, lends, or disposes of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.

“(c) WRONGFUL USE OR POSSESSION.—Any person subject to this chapter who wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.”

SEC. 6917. IMPERSIONATION OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905a (article 105a of the Uniform Code of Military Justice), as added by section 6916, the following new section (article):

“§ 906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official

“(a) IN GENERAL.—Any person subject to this chapter who, wrongfully and willfully, impersonates—
“(1) an officer, a noncommissioned officer, or a petty officer;
“(2) an agent of superior authority of one of the armed forces; or
“(3) an official of a government;
shall be punished as a court-martial may direct.
“(b) IMPERSONATION WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and with intent to defraud, impersonates any person referred to in paragraph (1), (2), or (3) of subsection (a) shall be punished as a court-martial may direct.
“(c) IMPERSONATION OF GOVERNMENT OFFICIAL WITHOUT INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and without intent to defraud, impersonates an official of a government by committing an act that exercises or asserts the authority of the office that the person claims to have shall be punished as a court-martial may direct.”.

SEC. 6918. INSIGNIA OFFENSES.
Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 906 (article 106 of the Uniform Code of Military Justice), as added by section 6917, the following new section (article):
§ 906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button

“Any person subject to this chapter—

“(1) who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button; and

“(2) who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person’s uniform or civilian clothing;

shall be punished as a court-martial may direct.”.

SEC. 6919. FALSE OFFICIAL STATEMENTS; FALSE SWEARING.

Section 907 of title 10, United States Code (article 107 of the Uniform Code of Military Justice), is amended to read as follows:

§ 907. Art. 107. False official statements; false swearing

“(a) False Official Statements.—Any person subject to this chapter who, with intent to deceive—

“(1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or

“(2) makes any other false official statement knowing it to be false;

shall be punished as a court-martial may direct.
“(b) FALSE SWEARING.—Any person subject to this chapter—

“(1) who takes an oath that—

“(A) is administered in a matter in which such oath is required or authorized by law; and

“(B) is administered by a person with authority to do so; and

“(2) who, upon such oath, makes or subscribes to a statement;

if the statement is false and at the time of taking the oath, the person does not believe the statement to be true, shall be punished as a court-martial may direct.”.

SEC. 6920. PAROLE VIOLATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 907 (article 107 of the Uniform Code of Military Justice), as amended by section 6919, the following new section (article):

“§ 907a. Art. 107a. Parole violation

“Any person subject to this chapter—

“(1) who, having been a prisoner as the result of a court-martial conviction or other criminal proceeding, is on parole with conditions; and

“(2) who violates the conditions of parole;

shall be punished as a court-martial may direct.”.
SEC. 6921. WRONGFUL TAKING, OPENING, ETC. OF MAIL MATTER.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 909 (article 109 of the Uniform Code of Military Justice), the following new section (article):


“(a) TAKING.—Any person subject to this chapter who, with the intent to obstruct the correspondence of, or to pry into the business or secrets of, any person or organization, wrongfully takes mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.

“(b) OPENING, SECRETING, DESTROYING, STEALING.—Any person subject to this chapter who wrongfully opens, secretes, destroys, or steals mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.”.

SEC. 6922. IMPROPER HAZARDING OF VESSEL OR AIRCRAFT.

Section 910 of title 10, United States Code (article 110 of the Uniform Code of Military Justice), is amended to read as follows:
§ 910. Art. 110. Improper hazarding of vessel or aircraft

(a) WILLFUL AND WRONGFUL HAZARDING.—Any person subject to this chapter who, willfully and wrongfully, hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished by death or such other punishment as a court-martial may direct.

(b) NEGLIGENT HAZARDING.—Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished as a court-martial may direct.”.

SEC. 6923. LEAVING SCENE OF VEHICLE ACCIDENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 910 (article 110 of the Uniform Code of Military Justice), as amended by section 6922, the following new section (article):

§ 911. Art. 111. Leaving scene of vehicle accident

(a) DRIVER.—Any person subject to this chapter—

“(1) who is the driver of a vehicle that is involved in an accident that results in personal injury or property damage; and

“(2) who wrongfully leaves the scene of the accident—

“(A) without providing assistance to an injured person; or
“(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.

“(b) SENIOR PASSENGER.—Any person subject to this chapter—

“(1) who is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;

“(2) who is the superior commissioned or non-commissioned officer of the driver of the vehicle or is the commander of the vehicle; and

“(3) who wrongfully and unlawfully orders, causes, or permits the driver to leave the scene of the accident—

“(A) without providing assistance to an injured person; or

“(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.”.
SEC. 6924. DRUNKENNESS AND OTHER INCAPACITATION OFFENSES.

Section 912 of title 10, United States Code (article 112 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 912. Art. 112. Drunkenness and other incapacitation offenses

“(a) Drunk on Duty.—Any person subject to this chapter who is drunk on duty shall be punished as a court-martial may direct.

“(b) Incapacitation for Duty from Drunkenness or Drug Use.—Any person subject to this chapter who, as a result of indulgence in any alcoholic beverage or any drug, is incapacitated for the proper performance of duty shall be punished as a court-martial may direct.

“(c) Drunk Prisoner.—Any person subject to this chapter who is a prisoner and, while in such status, is drunk shall be punished as a court-martial may direct.”.

SEC. 6925. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR CONVICTION OF DRUNKEN OR RECKLESS OPERATION OF VEHICLE, AIRCRAFT, OR VESSEL.

Subsection (b)(3) of section 913 of title 10, United States Code (article 113 of the Uniform Code of Military Justice), as transferred and redesignated by section 6901(9), is amended—
(1) by striking “0.10 grams” both places it appears and inserting “0.08 grams”; and

(2) by adding at the end the following new sentence: “The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.”.

SEC. 6926. ENDANGERMENT OFFENSES.

Section 914 of title 10, United States Code (article 114 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 914. Art. 114. Endangerment offenses

“(a) RECKLESS ENDANGERMENT.—Any person subject to this chapter who engages in conduct that—

“(1) is wrongful and reckless or is wanton; and

“(2) is likely to produce death or grievous bodily harm to another person;

shall be punished as a court-martial may direct.

“(b) DUELING.—Any person subject to this chapter—

“(1) who fights or promotes, or is concerned in or connives at fighting a duel; or
“(2) who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority;
shall be punished as a court-martial may direct.

“(c) FIREARM DISCHARGE, ENDANGERING HUMAN LIFE.—Any person subject to this chapter who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

“(d) CARRYING CONCEALED WEAPON.—Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.”.

SEC. 6927. COMMUNICATING THREATS.
Section 915 of title 10, United States Code (article 115 of the Uniform Code of Military Justice), is amended to read as follows:

“§915. Art. 115. Communicating threats

“(a) COMMUNICATING THREATS GENERALLY.—Any person subject to this chapter who wrongfully communicates a threat to injure the person, property, or reputation of another shall be punished as a court-martial may direct.

“(b) COMMUNICATING THREAT TO USE EXPLOSIVE, ETC.—Any person subject to this chapter who wrongfully
communicates a threat to injure the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct.

“(c) Communicating False Threat Concerning Use of Explosive, Etc.—Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct. As used in the preceding sentence, the term ‘false threat’ means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.”.

SEC. 6928. TECHNICAL AMENDMENT RELATING TO MURDER.

Section 918(4) of title 10, United States Code (article 118(4) of the Uniform Code of Military Justice), is amended by striking “forcible sodomy,”.

SEC. 6929. CHILD ENDANGERMENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 919a (article
119a of the Uniform Code of Military Justice), the fol-
lowing new section (article):

“§ 919b. Art. 119b. Child endangerment

Any person subject to this chapter—

“(1) who has a duty for the care of a child
under the age of 16 years; and

“(2) who, through design or culpable neg-
ligence, endangers the child’s mental or physical
health, safety, or welfare;

shall be punished as a court-martial may direct.”.

SEC. 6930. DEPOSIT OF OBSCENE MATTER IN THE MAIL.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 920 (article
120 of the Uniform Code of Military Justice), the fol-
lowing new section (article):

“§ 920a. Art. 120a. Mails: deposit of obscene matter

Any person subject to this chapter who, wrongfully
and knowingly, deposits obscene matter for mailing and
delivery shall be punished as a court-martial may direct.”.

SEC. 6931. FRAUDULENT USE OF CREDIT CARDS, DEBIT

CARDS, AND OTHER ACCESS DEVICES.

Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 921 (article
121 of the Uniform Code of Military Justice), the fol-
lowing new section (article):
§ 921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices

(a) IN GENERAL.—Any person subject to this chapter who, with intent to defraud, uses—

(1) a stolen credit card, debit card, or other access device;

(2) a revoked, cancelled, or otherwise invalid credit card, debit card, or other access device; or

(3) a credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use;

to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

(b) DEFINITION.—In this section (article), the term ‘access device’ has the meaning given that term in section 1029 of title 18.”.

SEC. 6932. FALSE PRETENCES TO OBTAIN SERVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921a (article 121a of the Uniform Code of Military Justice), as added by section 6931, the following new section (article):

§ 921b. Art. 121b. False pretenses to obtain services

“Any person subject to this chapter who, with intent to defraud, knowingly uses false pretenses to obtain services shall be punished as a court-martial may direct.”.
SEC. 6933. ROBBERY.

Section 922 of title 10, United States Code (article 122 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 922. Art. 122. Robbery

“Any person subject to this chapter who takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.”.

SEC. 6934. RECEIVING STOLEN PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922 (article 122 of the Uniform Code of Military Justice), as amended by section 6933, the following new section (article):

“§ 922a. Art. 122a. Receiving stolen property

“Any person subject to this chapter who wrongfully receives, buys, or conceals stolen property, knowing the property to be stolen property, shall be punished as a court-martial may direct.”.
SEC. 6935. OFFENSES CONCERNING GOVERNMENT COMPUTERS.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922a (article 122a of the Uniform Code of Military Justice), as added by section 6934, the following new section (article):

"§ 923. Art. 123. Offenses concerning government computers

“(a) IN GENERAL.—Any person subject to this chapter who—

“(1) knowingly accesses a Government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe such information could be used to the injury of the United States, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted such information to any person not entitled to receive it;

“(2) intentionally accesses a Government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any such Government computer; or

“(3) knowingly causes the transmission of a program, information, code, or command, and as a
result of such conduct, intentionally causes damage
without authorization, to a Government computer;
shall be punished as a court-martial may direct.
“(b) DEFINITIONS.—In this section:
“(1) The term ‘computer’ has the meaning
given that term in section 1030 of title 18.
“(2) The term ‘Government computer’ means a
computer owned or operated by or on behalf of the
United States Government.
“(3) The term ‘damage’ has the meaning given
that term in section 1030 of title 18.”.

SEC. 6936. BRIBERY.
Subchapter X of chapter 47 of title 10, United States
Code, is amended by inserting after section 924 (article
124 of the Uniform Code of Military Justice), as trans-
erred and redesignated by section 6901(14), the following
new section (article):
§ 924a. Art. 124a. Bribery
“(a) ASKING, ACCEPTING, OR RECEIVING THING OF
VALUE.—Any person subject to this chapter—
“(1) who occupies an official position or who
has official duties; and
“(2) who wrongfully asks, accepts, or receives a
thing of value with the intent to have the person’s
decision or action influenced with respect to an official matter in which the United States is interested; shall be punished as a court-martial may direct.

“(b) Promising, Offering, or Giving Thing of Value.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, with the intent to influence the decision or action of the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.”.

SEC. 6937. GRAFT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924a (article 124a of the Uniform Code of Military Justice), as added by section 6936, the following new section (article):

“§ 924b. Art. 124b. Graft

“(a) Asking, Accepting, or Receiving Thing of Value.—Any person subject to this chapter—

“(1) who occupies an official position or who has official duties; and

“(2) who wrongfully asks, accepts, or receives a thing of value as compensation for or in recognition of services rendered or to be rendered by the person
with respect to an official matter in which the United States is interested; shall be punished as a court-martial may direct.

“(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, as compensation for or in recognition of services rendered or to be rendered by the other person with respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.”.

SEC. 6938. KIDNAPPING.

Section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 925. Art. 125. Kidnapping

“Any person subject to this chapter who wrongfully—

“(1) seizes, confines, inveigles, decoys, or carries away another person; and

“(2) holds the other person against that person’s will;

shall be punished as a court-martial may direct.”.
SEC. 6939. ARSON; BURNING PROPERTY WITH INTENT TO DEFRAUD.

Section 926 of title 10, United States Code (article 126 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 926. Art. 126. Arson; burning property with intent to defraud

“(a) AGGRAVATED ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein, to the knowledge of that person, there is at the time a human being, is guilty of aggravated arson and shall be punished as a court-martial may direct.

“(b) SIMPLE ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets fire to the property of another is guilty of simple arson and shall be punished as a court-martial may direct.

“(c) BURNING PROPERTY WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, willfully, maliciously, and with intent to defraud, burns or sets fire to any property shall be punished as a court-martial may direct.”.
SEC. 6940. ASSAULT.

Section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), is amended to read as follows:

§ 928. Art. 128. Assault

(a) ASSAULT.—Any person subject to this chapter who, unlawfully and with force or violence—

(1) attempts to do bodily harm to another person;

(2) offers to do bodily harm to another person; or

(3) does bodily harm to another person;

is guilty of assault and shall be punished as a court-martial may direct.

(b) AGGRAVATED ASSAULT.—Any person subject to this chapter—

(1) who, with the intent to do bodily harm, offers to do bodily harm with a dangerous weapon; or

(2) who, in committing an assault, inflicts substantial bodily harm, or grievous bodily harm on another person;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED OFFENSES.—
“(1) IN GENERAL.—Any person subject to this chapter who commits assault with intent to commit an offense specified in paragraph (2) shall be punished as a court-martial may direct.

“(2) OFFENSES SPECIFIED.—The offenses referred to in paragraph (1) are murder, voluntary manslaughter, rape, sexual assault, rape of a child, sexual assault of a child, robbery, arson, burglary, and kidnapping.”.

SEC. 6941. BURGLARY AND UNLAWFUL ENTRY.

Section 929 of title 10, United States Code (article 129 of the Uniform Code of Military Justice), and section 929a of such title (article 129a), as redesignated by section 6901(10), are amended to read as follows:

“§ 929. Art. 129. Burglary; unlawful entry

“(a) BURGLARY.—Any person subject to this chapter who, with intent to commit an offense under this chapter, breaks and enters the building or structure of another shall be punished as a court-martial may direct.

“(b) UNLAWFUL ENTRY.—Any person subject to this chapter who unlawfully enters—

“(1) the real property of another; or

“(2) the personal property of another which amounts to a structure usually used for habitation or storage;
shall be punished as a court-martial may direct.”.

SEC. 6942. STALKING.

Section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), as transferred and redesignated by section 6901(11), is amended to read as follows:

“§ 930. Art. 130. Stalking

“(a) IN GENERAL.—Any person subject to this chapter—

“(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

“(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner; and

“(3) whose conduct induces reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself, to a mem-
ber of his or her immediate family, or to his or her intimate partner;

is guilty of stalking and shall be punished as a court-martial may direct.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘conduct’ means conduct of any kind, including use of surveillance, the mails, an interactive computer service, an electronic communication service, or an electronic communication system.

“(2) The term ‘course of conduct’ means—

“(A) a repeated maintenance of visual or physical proximity to a specific person;

“(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person; or

“(C) a pattern of conduct composed of repeated acts evidencing a continuity of purpose.

“(3) The term ‘repeated’, with respect to conduct, means two or more occasions of such conduct.

“(4) The term ‘immediate family’, in the case of a specific person, means—
“(A) that person’s spouse, parent, brother or sister, child, or other person to whom he or she stands in loco parentis; or

“(B) any other person living in his or her household and related to him or her by blood or marriage.

“(5) The term ‘intimate partner’ in the case of a specific person, means—

“(A) a former spouse of the specific person, a person who shares a child in common with the specific person, or a person who cohabits with or has cohabited as a spouse with the specific person; or

“(B) a person who has been in a social relationship of a romantic or intimate nature with the specific person, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.”.

SEC. 6943. SUBORNATION OF PERJURY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931 (article 131 of the Uniform Code of Military Justice), the following new section (article):
§ 931a. Art. 131a. Subornation of perjury

(a) IN GENERAL.—Any person subject to this chapter who induces and procures another person—

(1) to take an oath; and

(2) to falsely testify, depose, or state upon such oath;

shall, if the conditions specified in subsection (b) are satisfied, be punished as a court-martial may direct.

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The oath is administered with respect to a matter for which such oath is required or authorized by law.

(2) The oath is administered by a person having authority to do so.

(3) Upon the oath, the other person willfully makes or subscribes a statement.

(4) The statement is material.

(5) The statement is false.

(6) When the statement is made or subscribed, the person subject to this chapter and the other person do not believe that the statement is true.”.

SEC. 6944. OBSTRUCTING JUSTICE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931a (article
§ 931b. Art. 131b. Obstructing justice

“Any person subject to this chapter who engages in conduct in the case of a certain person against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct.”

SEC. 6945. MISPRISION OF SERIOUS OFFENSE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931b (article 131b of the Uniform Code of Military Justice), as added by section 6944, the following new section (article):

§ 931c. Art. 131c. Misprision of serious offense

“Any person subject to this chapter—

“(1) who knows that another person has committed a serious offense; and

“(2) wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible;

shall be punished as a court-martial may direct.”
SEC. 6946. WRONGFUL REFUSAL TO TESTIFY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931c (article 131c of the Uniform Code of Military Justice), as added by section 6945, the following new section (article):

"§ 931d. Art. 131d. Wrongful refusal to testify

“Any person subject to this chapter who, in the presence of a court-martial, a board of officers, a military commission, a court of inquiry, preliminary hearing, or an officer taking a deposition, of or for the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as a court-martial may direct.”.

SEC. 6947. PREVENTION OF AUTHORIZED SEIZURE OF PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931d (article 131d of the Uniform Code of Military Justice), as added by section 6946, the following new section (article):

"§ 931e. Art. 131e. Prevention of authorized seizure of property

“Any person subject to this chapter who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes
of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.”.

SEC. 6948. WRONGFUL INTERFERENCE WITH ADVERSE ADMINISTRATIVE PROCEEDING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931f (article 131f of the Uniform Code of Military Justice), as transferred and redesignated by section 6901(3), the following new section (article):

“§ 931g. Art. 131g. Wrongful interference with adverse administrative proceeding

“Any person subject to this chapter who, having reason to believe that an adverse administrative proceeding is pending against any person subject to this chapter, wrongfully acts with the intent—

“(1) to influence, impede, or obstruct the conduct of the proceeding; or

“(2) otherwise to obstruct the due administration of justice;

shall be punished as a court-martial may direct.”.

SEC. 6949. RETALIATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931g (article 131g of the Uniform Code of Military Justice), as added by section 6948, the following new section (article):
§ 932. Art. 132. Retaliation

“Any person subject to this chapter who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or with the intent to discourage any person from reporting a criminal offense—

“(1) wrongfully takes or threatens to take an adverse personnel action against any person; or

“(2) wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person;

shall be punished as a court-martial may direct.”.

SEC. 6950. EXTRATERRITORIAL APPLICATION OF CERTAIN OFFENSES.

Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: “As used in the preceding sentence, the term ‘crimes and offenses not capital’ includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.”.
SEC. 6951. TABLE OF SECTIONS.

The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code, is amended to read as follows:

'"Sec. Art.
'"877. 77. Principals.
'"878. 78. Accessory after the fact.
'"879. 79. Conviction of offense charged, lesser included offenses, and attempts.
'"880. 80. Attempts.
'"881. 81. Conspiracy.
'"882. 82. Soliciting commission of offenses.
'"883. 83. Malingering.
'"884. 84. Breach of medical quarantine.
'"885. 85. Desertion.
'"886. 86. Absence without leave.
'"887. 87. Missing movement; jumping from vessel.
'"887a. 87a. Resistance, flight, breach of arrest, and escape.
'"887b. 87b. Offenses against correctional custody and restriction.
'"888. 88. Contempt toward officials.
'"889. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
'"890. 90. Willfully disobeying superior commissioned officer.
'"891. 91. Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.
'"892. 92. Failure to obey order or regulation.
'"893. 93. Cruelty and maltreatment.
'"893a. 93a. Prohibited activities with military recruit or trainee by person in position of special trust.
'"894. 94. Mutiny or sedition.
'"895. 95. Offenses by sentinel or lookout.
'"895a. 95a. Disrespect toward sentinel or lookout.
'"896. 96. Release of prisoner without authority; drinking with prisoner.
'"897. 97. Unlawful detention.
'"898. 98. Misconduct as prisoner.
'"899. 99. Misbehavior before the enemy.
'"900. 100. Subordinate compelling surrender.
'"901. 101. Improper use of countersign.
'"902. 102. Forcing a safeguard.
'"903. 103. Spies.
'"903a. 103a. Espionage.
'"903b. 103b. Aiding the enemy.
'"904. 104. Public records offenses.
'"904a. 104a. Fraudulent enlistment, appointment, or separation.
'"904b. 104b. Unlawful enlistment, appointment, or separation.
'"905. 105. Forgery.
'"905a. 105a. False or unauthorized pass offenses.
'"906. 106. Impersonation of officer, noncommissioned or petty officer, or agent of official.
'"906a. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.
'"907. 107. False official statements; false swearing.
908. 108. Military property of United States—Loss, damage, destruction, or wrongful, disposition.
908a. 108a. Captured or abandoned property.
909. 109. Property other than military property of United States—Waste, spoilage, or destruction.
909a. 109a. Mail matter: wrongful taking, opening, etc.
910. 110. Improper hazarding of vessel or aircraft.
911. 111. Leaving scene of vehicle accident.
912. 112. Drunkenness and other incapacitation offenses.
912a. 112a. Wrongful use, possession, etc., of controlled substances.
913. 113. Drunken or reckless operation of vehicle, aircraft, or vessel.
914. 114. Endangerment offenses.
915. 115. Communicating threats.
916. 116. Riot or breach of peace.
917. 117. Provoking speeches or gestures.
918. 118. Murder.
919. 119. Manslaughter.
919a. 119a. Death or injury of an unborn child.
919b. 119b. Child endangerment.
920. 120. Rape and sexual assault generally.
920a. 120a. Mails: deposit of obscene matter.
920b. 120b. Rape and sexual assault of a child.
920c. 120c. Other sexual misconduct.
921. 121. Larceny and wrong appropriation.
921a. 121a. Fraudulent use of credit cards, debit cards, and other access devices.
921b. 121b. False pretenses to obtain services.
922. 122. Robbery.
922a. 122a. Receiving stolen property.
923. 123. Offenses concerning Government computers.
923a. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds.
924. 124. Frauds against the United States.
924b. 124b. Graft.
925. 125. Kidnapping.
926. 126. Arson; burning property with intent to defraud.
927. 127. Extortion.
928. 128. Assault.
928a. 128a. Maiming.
929. 129. Burglary; unlawful entry.
930. 130 Stalking.
931. 131. Perjury.
931a. 131a. Subornation of perjury.
931b. 131b. Obstruction justice.
931c. 131c. Misprision of serious offense.
931d. 131d. Wrongful refusal to testify.
931e. 131e. Prevention of authorized seizure of property.
931f. 131f. Nonecompliance with procedural rules.
931g. 131g. Wrongful interference with adverse administrative proceeding.
932. 132. Retaliation.
933. 133. Conduct unbecoming an officer and a gentleman.
934. 134. General article.”.
TITLE LXX—MISCELLANEOUS PROVISIONS

SEC. 7001. TECHNICAL AMENDMENT RELATING TO COURTS OF INQUIRY.

Section 935(c) of title 10, United States Code (article 135(c) of the Uniform Code of Military Justice), is amended—

(1) by striking “(c) Any person” and inserting “(c)(1) Any person”;

(2) by designating the second and third sentences as paragraphs (2) and (3), respectively; and

(3) in paragraph (2), as so designated, by striking “subject to this chapter or employed by the Department of Defense” and inserting “who is (A) subject to this chapter, (B) employed by the Department of Defense, or (C) with respect to the Coast Guard, employed by the department in which the Coast Guard is operating when it is not operating as a service in the Navy, and”.

SEC. 7002. TECHNICAL AMENDMENT TO ARTICLE 136.

Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by striking the last five words in the section heading.
SEC. 7003. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE TO BE EXPLAINED TO OFFICERS UPON COMMISSIONING.

Section 937 of title 10, United States Code (article 137 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking “(a)(1) The sections of this title (articles of the Uniform Code of Military Justice)” and inserting “(a) ENLISTED MEMBERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice)”; 

(2) by striking subsection (b); and

(3) by inserting after subsection (a) the following new subsections:

“(b) OFFICERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice) specified in paragraph (2) shall be carefully explained to each officer at the time of (or within six months after)—

“(A) the initial entrance of the officer on active duty as an officer; or

“(B) the initial commissioning of the officer in a reserve component.

“(2) This subsection applies with respect to the sections (articles) specified in subsection (a)(3) and such other sections (articles) as the Secretary concerned may prescribe by regulation.
“(c) Training for Certain Officers.—Under regulations prescribed by the Secretary concerned, officers with the authority to convene courts-martial or to impose non-judicial punishment shall receive periodic training regarding the purposes and administration of this chapter. Under regulations prescribed by the Secretary of Defense, officers assigned to duty in a combatant command, who have such authority, shall receive additional specialized training regarding the purposes and administration of this chapter.

“(d) Availability and Maintenance of Text.—The text of this chapter (the Uniform Code of Military Justice) and the text of the regulations prescribed by the President under this chapter shall be—

“(1) made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member’s personal examination; and

“(2) maintained by the Secretary of Defense in electronic formats that are updated periodically and made available on the Internet.”.

SEC. 7004. MILITARY JUSTICE CASE MANAGEMENT; DATA COLLECTION AND ACCESSIBILITY.

(a) In General.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military
Justice), is amended by adding at the end the following
new section (article):

“§ 940a. Art. 140a. Case management; data collection
and accessibility

“The Secretary of Defense shall prescribe uniform
standards and criteria for conduct of each of the following
functions at all stages of the military justice system, in-
cluding pretrial, trial, post-trial, and appellate processes,
using, insofar as practicable, the best practices of Federal
and State courts:

“(1) Collection and analysis of data concerning
substantive offenses and procedural matters in a
manner that facilitates case management and deci-
sion making within the military justice system, and
that enhances the quality of periodic reviews under
section 946 of this title (article 146).

“(2) Case processing and management.

“(3) Timely, efficient, and accurate production
and distribution of records of trial within the mili-
tary justice system.

“(4) Facilitation of access to docket informa-
tion, filings, and records, taking into consideration
restrictions appropriate to judicial proceedings and
military records.”.
(b) EFFECTIVE DATES.—(1) Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall carry out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a).

(2) Not later than 4 years after the date of the enactment of this Act, the standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), shall take effect.

TITLE LXXI—MILITARY JUSTICE
REVIEW PANEL AND ANNUAL REPORTS

SEC. 7101. MILITARY JUSTICE REVIEW PANEL.

Section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended to read as follows:

“§ 946. Art. 146. Military Justice Review Panel

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish a panel to conduct independent periodic reviews and assessments of the operation of this chapter. The panel shall be known as the ‘Military Justice Review Panel’, in this section referred to as the ‘Panel’.

“(b) MEMBERS.—(1) The Panel shall be composed of thirteen members.
“(2) Each of the following shall select one member of the Panel:

“(A) The Secretary of Defense (in consultation with the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy).

“(B) The Attorney General.

“(C) The Judge Advocates General of the Army, Navy, Air Force, and Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps.

“(3) The Secretary of Defense shall select the remaining members of the Panel, taking into consideration recommendations made by each of the following:

“(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(B) The Chief Justice of the United States.

“(C) The Chief Judge of the United States Court of Appeals for the Armed Forces.

“(c) QUALIFICATIONS OF MEMBERS.—The members of the Panel shall be appointed from among private United States citizens with expertise in criminal law, as well as appropriate and diverse experience in investigation, pros-
execution, defense, victim representation, or adjudication
with respect to courts-martial, Federal civilian courts, or
State courts.

“(d) CHAIR.—The Secretary of Defense shall select
the chair of the Panel from among the members.

“(e) TERM; VACANCIES.—Each member shall be ap-
pointed for a term of eight years, and no member may
serve more than one term. Any vacancy shall be filled in
the same manner as the original appointment.

“(f) REVIEWS AND REPORTS.—

“(1) INITIAL REVIEW OF RECENT AMENDMENTS
to UCMJ.—During fiscal year 2020, the Panel shall
conduct an initial review and assessment of the im-
plementation of the amendments made to this chap-
ter during the preceding five years. In conducting
the initial review and assessment, the Panel may re-
view such other aspects of the operation of this
chapter as the Panel considers appropriate.

“(2) PERIODIC COMPREHENSIVE REVIEWS.—
During fiscal year 2024 and every eight years there-
after, the Panel shall conduct a comprehensive re-
view and assessment of the operation of this chapter.

“(3) PERIODIC INTERIM REVIEWS.—During fis-
cal year 2028 and every eight years thereafter, the
Panel shall conduct an interim review and assess-
ment of such other aspects of the operation of this chapter as the Panel considers appropriate. In addition, at the request of the Secretary of Defense, the Panel may, at any time, review and assess other specific matters relating to the operation of this chapter.

“(4) REPORTS.—Not later than December 31 of each year during which the Panel conducts a review and assessment under this subsection, the Panel shall submit a report on the results, including the Panel’s findings and recommendations, through the Secretary of Defense to the Committees on Armed Services of the Senate and the House of Representatives.

“(g) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate to carry out its duties under this section.

“(h) INFORMATION FROM FEDERAL AGENCIES.— Upon request of the chair of the Panel, a department or agency of the Federal Government shall provide information that the Panel considers necessary to carry out its duties under this section.

“(i) ADMINISTRATIVE MATTERS.—
“(1) Members to serve without pay.—Members of the Panel shall serve without pay, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel.

“(2) Staffing and resources.—The Secretary of Defense shall provide staffing and resources to support the Panel.

“(j) No termination.—The authority of the Panel under this section does not terminate.”.

SEC. 7102. ANNUAL REPORTS.

Subchapter XII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

“§ 946a. Art. 146a. Annual reports

“(a) Court of Appeals for the Armed Forces.—Not later than December 31 of each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of pending cases
and such other matters as the Court considers appropriate regarding the operation of this chapter.

“(b) Service Reports.—Not later than December 31 of each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

“(1) Data on the number and status of pending cases.

“(2) Information on the appellate review process, including—

“(A) information on compliance with processing time goals;

“(B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies; and

“(C) an analysis of each case in which a provision of this chapter was held unconstitutional.
“(3)(A) An explanation of measures implemented by the armed force involved to ensure the ability of judge advocates—

“(i) to participate competently as trial counsel and defense counsel in cases under this chapter;

“(ii) to preside as military judges in cases under this chapter; and

“(iii) to perform the duties of Special Victims’ Counsel, when so designated under section 1044e of this title.

“(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

“(4) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.

“(5) Such other matters regarding the operation of this chapter as may be appropriate.
“(c) SUBMISSION.—Each report under this section shall be submitted—

“(1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

“(2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy.”.

TITLE LXXII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

SEC. 7201. AMENDMENTS TO UCMJ SUBCHAPTER TABLES OF SECTIONS.

The tables of sections for the specified subchapters of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), are amended as follows:

(1) The table of sections at the beginning of subchapter II is amended by striking the item relating to section 810 and inserting the following new item:

“810. 10. Restraint of persons charged.”.

(2) The table of sections at the beginning of subchapter II, as amended by paragraph (1), is
amended by striking the item relating to section 812 and inserting the following new item:

"812. 12. Prohibition of confinement of armed forces members with enemy prisoners and certain others."

(3) The table of sections at the beginning of subchapter V is amended by striking the item relating to section 825a and inserting the following new item:

"825. 25a. Number of court-martial members in capital cases."

(4) The table of sections at the beginning of subchapter V, as amended by paragraph (3), is amended by inserting after the item relating to section 826 the following new item:

"826a. 26a. Military magistrates."

(5) The table of sections at the beginning of subchapter V, as amended by paragraphs (3) and (4), is amended by striking the item relating to section 829 and inserting the following new item:

"829. 29. Assembly and impaneling of members; detail of new members and military judges."

(6) The table of sections at the beginning of subchapter VI is amended by inserting after the item relating to section 830 the following new item:

"830. 30a. Proceedings conducted before referral."

(7) The table of sections at the beginning of subchapter VI, as amended by paragraph (6), is
amended by striking the item relating to section 832
and inserting the following new item:

“832. 32. Preliminary hearing required before referral to general court-martial.”.

(8) The table of sections at the beginning of
subchapter VI, as amended by paragraphs (6) and
(7), is amended by striking the item relating to sec-
tion 833 and inserting the following new item:

“833. 33. Disposition guidance.”.

(9) The table of sections at the beginning of
subchapter VI, as amended by paragraphs (6), (7),
and (8), is amended by striking the item relating to
section 834 and inserting the following new item:

“834. 34. Advice to convening authority before referral for trial.”.

(10) The table of sections at the beginning of
subchapter VI, as amended by paragraphs (6), (7),
(8), and (9), is amended by striking the item relat-
ing to section 835 and inserting the following new
item:

“835. 35. Service of charges; commencement of trial.”.

(11) The table of sections at the beginning of
subchapter VII is amended by striking the item re-
lating to section 847 and inserting the following new
item:

“8470. 47. Refusal of person not subject to chapter to appear, testify, or
produce evidence.”.
(12) The table of sections at the beginning of subchapter VII, as amended by paragraph (11), is amended by striking the item relating to section 848 and inserting the following new item:

“848. 48. Contempt.”.

(13) The table of sections at the beginning of subchapter VII, as amended by paragraphs (11) and (12), is amended by striking the item relating to section 850 and inserting the following new item:

“850. 50. Admissibility of sworn testimony from records of courts of inquiry.”.

(14) The table of sections at the beginning of subchapter VII, as amended by paragraphs (11), (12), and (13), is amended by striking the item relating to section 852 and inserting the following new item:

“852. 52. Votes required for conviction, sentencing, and other matters.”.

(15) The table of sections at the beginning of subchapter VII, as amended by paragraphs (11), (12), (13), and (14), is amended by striking the item relating to section 853 and inserting the following new item:

“853. 53. Findings and sentencing.”.

(16) The table of sections at the beginning of subchapter VIII is amended by striking the item re-
lating to section 856 and inserting the following new
item:

“856. 56. Sentencing.”.

(17) The table of sections at the beginning of
subchapter VIII, as amended by paragraph (16), is
amended by striking the items relating to section
856a and 857a.

(18) The table of sections at the beginning of
subchapter IX is amended by striking the item relat-
ing to section 860 and inserting the following new
item:

“860. 60. Post-trial processing in general and special courts-martial.”.

(19) The table of sections at the beginning of
subchapter IX is amended by inserting after the
item relating to section 860, as amended by para-
graph (18), the following new items:

“860a. 60a. Limited authority to act on sentence in specified post-trial cir-
cumstances.
“860b. 60b. Post-trial actions in summary courts-martial and certain general
and special courts-martial.
“860c. 60c. Entry of judgment.”.

(20) The table of sections at the beginning of
subchapter IX, as amended by paragraphs (18) and
(19), is amended by striking the item relating to sec-
tion 861 and inserting the following new item:

“861. 61. Waiver of right to appeal; withdrawal of appeal.”.

(21) The table of sections at the beginning of
subchapter IX, as amended by paragraphs (18),
(19), and (20), is amended by striking the item relating to section 864 and inserting the following new item:

“864. 64. Judge advocate review of finding of guilty in summary court-martial.”.

(22) The table of sections at the beginning of subchapter IX, as amended by paragraphs (18), (19), (20), and (21), is amended by striking the item relating to section 865 and inserting the following new item:

“865. 65. Transmittal and review of records.”.

(23) The table of sections at the beginning of subchapter IX, as amended by paragraphs (18), (19), (20), (21), and (22), is amended by striking the item relating to section 866 and inserting the following new item:

“866. 66. Courts of Criminal Appeals.”.

(24) The table of sections at the beginning of subchapter IX, as amended by paragraphs (18), (19), (20), and (21), (22), and (23), is amended by striking the item relating to section 869 and inserting the following new item:

“869. 69. Review by Judge Advocate General.”.

(25) The table of sections at the beginning of subchapter IX, as amended by paragraphs (18), (19), (20), (21), (22), (23), and (24), is amended by
striking the item relating to section 871 and inserting the following new item:

"871. 71. [Repealed.]"

(26) The table of sections at the beginning of subchapter XI is amended by striking the item relating to section 936 and inserting the following new item:

"936. 136. Authority to administer oaths."

(27) The table of sections at the beginning of subchapter XI, as amended by paragraph (26), is amended by inserting after the item relating to section 940 the following new item:

"940a. 140a. Case management; data collection and accessibility."

(28) The table of sections at the beginning of subchapter XII is amended by striking the item relating to section 946 and inserting the following new items:

"946. 146. Military Justice Review Panel.
"946a. 146a. Annual reports."

SEC. 7202. EFFECTIVE DATES.

(a) Except as otherwise provided in this division, the amendments made by this division shall take effect on the first day of the first calendar month that begins two years after the date of the enactment of this Act.

(b) The amendments made by this division shall not apply to any case in which charges are referred to trial by court-martial before the effective date of such amend-
ments. Proceedings in any such case shall be held in the
same manner and with the same effect as if such amend-
ments had not been enacted.

(c)(1)(A) The amendments made by title LX shall
not apply to any offense committed before the effective
date of such amendments.

(B) Nothing in subparagraph (A) shall be construed
to invalidate the prosecution of any offense committed be-
fore the effective date of such amendments.

(2) The regulations prescribing the authorized pun-
ishments for any offense committed before the effective
date of the amendments made by title LVIII shall apply
the authorized punishments for the offense, as in effect
at the time the offense is committed.

[Signature]